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International Court of Justice

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Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 24 June, 1946, 1000-1700, Lord Justice Lawrence presiding.

CONSTANTIN VON NEURATH - Resumed

DIRECT EXAMINATION - Continued

BY DR. LUEDINGHAUSEN (Counsel for defendant Von Neurath):

Q Mr. von Neurath, I heard on the radio yesterday that there has apparently been a mistake in the translation regarding your activity from 1900-1914. Perhaps you can repeat it.

A Probably about my stay in London. From 1903 to 1907 I was in London, and after that I was in the Foreign Office in Berlin.

Q Then we will continue in the presentation of your policies as Foreign Minister. I should like to ask the following questions:

The Indictment sees in the fact that during your period of office as Foreign Minister, in the spring of 1935, a general rearmament was begun, general military service was introduced, and that the Luftwaffe was created, proof of your guilt in the conspiracy against peace. Will you comment on this?

A First, I should like to emphasize that there was no question of war plans in Germany in this year and in the following years. I am also convinced that neither Hitler nor his entourage had any aggressive plans, or even considered any aggressive plans, which would have been possible, however, without my knowing about it.

The fact of re-armament alone involves no threat to peace, for purposes other than defense. There was no such decision and no such preparation at that time. The same charge of preparations for aggressive war could be maintained against all neighboring states of Germany.

THE PRESIDENT: One moment. Dr. Luedinghausen, this is argument, not evidence.

DR. LUEDINGHAUSEN: Mr. President, I must hear how things apeared to him. Decisions can only be explained if he states what considerations he

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had at that time.

THE PRESIDENT: BNo, we are not prepared to hear argument in the course of evidence. It is evidence for him to say that there were no plans made at that time for offensive action, but it is argument to say that re-armament does not necessarily involve offensive action. We do not desire to hear argument at this stage.

DR. LUEDINGHAUSEN: Yes.

BY DR. LUEDINGHAUSEN:

Q Then please answer the question once more; There were no plans to use the weapons created by re-armament for any aggressive purposes or for other violent action?

A That is what I just said. I do not believe I need repeat it.

Q What reasons were there, what facts, which made the situation of Germany appear particularly in danger?

A Germany necessarily had at that time the feeling of being encircled by her highly armed neigbors. Russia and France concluded a treaty of mutual assistance, which could be called only a military alliance. A similar treaty between Russia and Czechoslovakia was imminent. Russia had, according to her own statements, increased the peacetime strenth of her army by over half. Howhigh it actually was could not be ascertained. In France, under the leadership of Petain, efforts toward a considerable increase of the army were made. On 1 March 1935 France issued a new defense law, which also increased the period of service.

This whole development, within a few months, could only be considered as an immediate threat. Germany could no longer look on inactively. The decision which Hitler made then to re-introduce military service and gradually to build up an army of 36 divisions was not, in view of these facts, an act seriously threatening the neighboring countries, which were joined by alliances.

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DR. VON LUEDINGHAUSEN: Mr. President, in this connection I should like to ask you to take judicial notice of the following documents in my document book:

Number 87, a document on the entry of the Soviet Union into the League of Nations in September of 1934, in document book 3.

Number 89, also in document book 3, is a statement or a report of the Army Committee of the French Chamber, of the 23rd of November, 1931.

On the entente with Russia, number 91, in document book 3, is the Russian-French protocol on the Eastern pact negotiations of the 5th of December, 1934.

M. DEBENEST: Mr. President, I should like to say that document 89 has not been submitted to us as yet, and we have not been able to see it. Therefore, it has not been possible to examine this document and to say whether or not this document is relevant.

THE PRESIDENT: When you get the book you will have the right to object to the document, if necessary. Dr. von Luedinghausen is only telling us what documents he contends support the evidence which has just been given, that is all. He is offereing these documents in evidence, and as soon as you get the book and can scrutinize the document, you will have the opportunity of making an objection to its admissibility.

M. DEBENEST: That is exactly the point, Mr. President. I wish to reserve for myself the right to do that, may it please the Tribunal.

THE PRESIDENT: Yes, we agree with you.

DR. VON LUEDINGHAUSEN: Then comes document 92, in document book 3, the appeal of the President of the Czechoslovakian Republic of the 28th of December, 1934, to the Army.

In document book 3, number 96 is the French Government declaration of the 15th of March, 1935.

In document book 3, number 79 is a report of the Czech Minister in Paris of the 15th of June, 1934.

Document 101 is the French-Russian mutual assistance pact of the 2nd of May, 1935.

Document 54 is an excerpt from the speech of the French Prime Minister, Flandin, of the 5th of February, 1935, to the French Chamber.

I ask you to take judicial notice of these documents.

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BY DR. VON LUEDINGHAUSEN:

Q Was the German decision for rearmament to mean that all further cooperation in international efforts to limit general rearmament were to be discontinued?

A No, by no means. An English inquiry, as to whether Germany would be ready to continue to participate in general disarmament negotiations in the same manner and to the same extent as contained in the so-called London Communique of February, 1935, was immediately answered in the affirmative.

On the 16th of March--that is, two days after the introduction of military service--the Embassy in London was instructed to resume negotiations and, in particular, to suggest an agreement to limit fleet strength.

In May of 1935 Hitler made a speech to the Reichstag, in which he developed a concrete German peace plan. He emphasized particularly the German will for peace, and again declared himself willing to cooperate in any system for the maintenance of international peace, even in collective agreements. The only condition he made was, as had always been the case, the recognition of Germany's equal rights. He also declared himself willing to rejoin the League of Nations. He wanted to prove, by doing this--in spite of the concluding of military alliances and our own rearmament--that Germany continued to desire peace.

DR. VON LUEDINGHAUSEN: I wish to ask the Tribunal to take judicial notice of the following documents in my document book number 3:

Number 95, answer of the Reich Government of the 15th of February 1935, to the so-called London Communique.

Number 97, an excerpt from the appeal of the German Reich Government of the 16th of March, 1935, for the restoration of the German military service.

Number 98, the communique of the German Reich Government of the 18th of March, 1935. The communique of the 26th of March, 1935, on the talk of the English Foreign Minister, Sir John Simon, and Lord Privy Seal, Councillor Eden, with the German Reich Government.

Number 102, communique of the 15th of May, 1935, on the speech of Foreign Minister Laval in Moscow.

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Number 104, Hitler's speech of the 21st of May, 1935, on the Russian-French pact.

Number 105, the note of the Reich Government of the 25th of May, 1935, to the signatory powers of the Locarno Treaty.

BY DR. VON LUEDINGHAUSEN:

Q Did the German willingness to negotiate have any success?

A Yes; that led to the conclusion of the first and only agreement to limit armament which actually went into effect, on the basis of the German suggestion to the signing of the English-German agreement in June of 1935. Of course, I would have preferred a successful negotiation of the general armament limitation suggestion among all states. However, this agreement or treaty between only two States was welcomed by us as the first step in this direction. It was shown that England, at least, kept aloof from the decision of the League of Nations, and that Germany had broken the Versailles Treaty by rearming; but the German step was thus recognized as justified.

DR. VON LUEDINGHAUSEN: In this connection I should like to ask the Court to take judicial notice of two documents from my document book 3:

Document 106 is the statement of the First Lord of the Admiralty, Sir Bolton Eyres Monsell, on the English radio, on the 19th of June, 1935.

The second is document number 119, an excerpt from the statement of the Parliamentary Secretary of the Admiralty, Shakespeare, in the House of Commons, on the occasion of the ratification of the London Fleet Agreement on the 20th of July, 1936.

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BY DR. VON LUEDINGHAUSEN:

Q Was the German activity in the armament question limited to the German and English fleet agreement?

A No; the willingness for a positive cooperation in limitation of armament, which was repeatedly emphasized, was further expressed in negotiations for a German disarmament in the air. From the beginning, as early as 1933, Hitler had emphasized the importance of this point for the maintenance of peace. Germany was ready to cooperate in any limitation, and even in the complete abolition of air armament, if it was done on a mutual. But only England reacted to this subject for the time being. The difficulty was in persuading France to participate in the negotiation.

This succeeded only after three months through efforts on the part of England. But France set up conditions which in effect made the success of these negotiations impossible.

Aside from a general agreement embracing all European states, special bi-lateral agreements were to be permitted. In addition, the continuation of negotiations on air armament was to be made dependent on negotiations concerning the Eastern Pact. Germany could not participate in these eastern pacts, since it would have had to undertake military obligations whose outcome could not be foreseen.

Through this and through the outbreak of the Italian-Abyssinian war, which made the difference among the western powers appear openly, the negotiations were stopped.

Q In March, 1936, one year later, the Rhineland was occupied by German troops. The indictment sees in this a breach of the Locarno Treaty and further proof of your co-responsibility in the conspiracy against peace, which is claimed. Will you please comment on this?

A This assertion is completely untrue. A decision for a plan to wage aggressive war did not exist then any more than the year before. The restoration offfull sovereignty in all parts of the Reich had no military significance, but only political significance.

The occupation of the Rhineland was carried on with one division only, and through this fact alone it had only a symbolic character. It was clear that a great and industrious people would not be satisfied forever

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with such a decisive limitation of its sovereignty, as had been imposed by the Versailles Treaty.

It was simply a dynamic development which the leaders of German foreign policy could not resist.

Q Did the re-occupation of the Rhineland take place according to a plan which had been set up some time beforehand, or was the decision spontaneous?

A It was one of those decisions of Hitler which was to be carried out within a few days.

Q What were the events which gave the immediate cause for this decision?

A On the 6th of January, 1936, the French foreign minister, Laval, announced that after his return from Geneva he would present the Russo-French pact to the French Chamber for ratification. It did no good that Hitler in an interview with the reporter of the French paper, "Paris Midi", M. Jouvenelle, attempted to point out the dangers of this pact, in offering his hand to France for an honorable and permanent understanding between the two peoples. I had discussed this interview in detail beforehand with Hitler, and I received the definite impression that he was absolutely serious in his for a permament understanding between the two peoples. But this attempt was in vain, and the strong opposition to the pact by large parts of the French population, under the leadership of the Union Nationale de Combattants in the parliament itself could not prevent the French government from ratifying the pact. The vote took place on the 27th of February, in the French chamber.

DR. VON LUEDINGHAUSEN: I should like to ask the Court to take note of the following two documents from my Document Book 4: The first is 108, the interview of Hitler with the correspondent of "Paris Midi", M. de Jouvenelle, of the 21st of February, 1936. The second is 107, an excerpt from the speech of Deputy Montigni in the French chamber on the 13th of February, 1936.

BY DR. VON LUEDINGHAUSEN:

Q On the 7th of March, 1936, in answer to this ratification of this treaty, the German troops marched in to the de-militarized Rhineland zone.

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What considerations did the German government have on this serious step? What determined them to take this step?

In view of the hostile attitude of French policy, there was a danger that the western powers would not be satisfied withpaper protests to the League of Nations as a solution this time, but would proceed with force of arms against this one-sided---

THE PRESIDENT: Dr. von Luedinghausen, is this a question or a statement?

DR. VON LUEDINGHAUSEN: It is a question. I should like to know the attitude of the government at that time. If I may make a comment on these explanations to clarify the decisions taken at that time, I must hear from the mouth of the defendant--

THE PRESIDENT: You were stating a number of facts. It is not for you to state facts. It is your duty to ask the witness.

DR. VON LUEDINGHAUSEN: No, I did not want to give evidence. I wanted to know from the witness what considerations led to the decision.

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BY DR. VON LUEDINGHAUSEN:

Q Will you please describe to us what considerations there were?

A In my previous answers I have already stated why in the French-Russian Pact and other French policy, we saw, we had to see the most serious threat on the part of France. This accumulation of power in French hands through various treaties could be directed only against Germany. This was obvious. In the world there was no other country that could be considered for this-- in the case of hostilities the possibility of which had to be considered in view of the total situation by a responsible government; as the result of the demilitarization of the Rhineland, the Western Border of Germany was completely open. This was not only the documentary revision of the Versailles Treaty but also the ones which threatened Germany most, but it had become obsolete through the decision of the 11th of December 1932 ---

THE PRESIDENT: Dr. Luedinghausen, the Tribunal thinks this is all argument. If there are any facts as to what the German government did at the time, after the French and Russian Pact and before the entry into the Rhineland, the witness can give those facts but this is mere argument and the Tribunal is well aware of the argument. It doesn't require them to be restated and certainly not to be restated in the course of the evidence.

DR. VON LUEDINGHAUSEN: Mr. President, I merely wanted to avoid that later in my speech when I discuss this point, the objection might be made that these are my opinions. I want to show ---

THE PRESIDENT: Dr. Luedinghausen, that is quite a wrong conception. We are now hearing evidence. When we hear you we shall be hearing arguments and we shall be prepared to hear any argument from you.

DR. VON LUEDINGHAUSEN: Yes, but I want to avoid that it is said these are my arguments. These arguments come from the defendant.

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THE PRESIDENT: I am pointing out to you that it is the function of counsel to argue and it is the function of the Tribunal to listen to argument. It is not the function of the Tribunal to listen to argument in the course of evidence.

DR. VON LUEDINGHAUSEN: Very well.

THE WITNESS: Perhaps I may make one statement. In the course of the winter of 1936, through our military intelligence service, we had learned that the French General Staff already had a military plan for invading Germany. This invasion was to be through the Rhineland, along the so-called Rhineland to Czechoslovakia to join the Russian ally.

BY DR. VON LUEDINGHAUSEN:

Q On the basis of what the Chairman just said, I shall continue with evidence, I shall be satisfied with the evidence, and I will present the argument in my speech. I should like to ask just one more question. Regarding the decision to reoccupy the Rhineland, did it involve any aggressive intention for the moment or for later?

A No, under no circumstances. The reoccupation, as it can be seen from my statement, was of a purely defensive character and was not supposed to have any other purpose. By the occupation with such weak forces as only one division, it was clear that it was a purely symbolic act. It has been testified to here by the military--the witness Milch, for example-- that the Luftwaffe had no part whatever and only two or three days before had learned of the action. That there were no aggressive plans for the future, is shown by the fact that the German government, at the suggestion of England, on the 12 th of March 1936, obligated itself until the understanding had been reached with the Western Powers, particularly with France, not to increase the garrisons in the Rhineland and not to move the troops any closer to the border than they were already, under the condition, however, that the same would be done by France.

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France did not want to accept this offer. Then, in the memorandum of the 7th of March 1936, to the signatory powers of Locarne, which the prosecution has already submitted here, Germany made suggestions for an agreement with France, Belgium and the other Locarne Powers and also explained her willingness to sign a general air pact to avoid the danger of sudden air raids and in addition, to join the League of Nations again. In a speech in the Reichstag on the 7th of March 1936, Hitler explained the reasons for the reoccupation of the Rhineland before the world. This speech and the memorandum, I had discussed beforehand with Hitler and I can only repeat that I did not have the slightest suspicion that Hitler was not honest and was trying to prevent his real intentions which tended towards war. Even today I have the firm conviction that at that time Hitler was not thinking of war. I need not emphasize that any such intention was far from my own thoughts. On the contrary, I considered the restoration of sovereignty throughout the Reich a step towards peace and understanding.

THE PRESIDENT: Let us get on. Dr. Luedinghausen, you are allowing the defendant to make long speeches. That is not the object of evidence.

DR. VON LUEDINGHAUSEN: I should like to submit various documents in this connection and ask the Court to take note of the following document in my document book four. First, 109, memorandum of the Reich government to the signatory powers of the Locarne Treaty of the 7th of March 1936; the official statement of the German Reich Government of the 12th of March 1936, No. 112 ; No. 113, the announcement of the German ambassador in London to English Foreign Minister Eden, of the 12 th of March 1936, and a memorandum of the German government of the 3rd of January 1936, sent to the extraordinary ambassador in London, Mr. von Ribbentrop, to the English Government.

BY DR. VON LUEDINGHAUSEN:

Q What were the foreign political results of the reoccupation of the Rhineland?

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A In consideration of the wishes of the President of the Court, I will not comment on this question.

Q What did the western powers do? Did they take any diplomatic steps?

A Foreign Minister Eden said, in the House of Commons, that Germany's procedure did not involve any threat and promised careful examination of German peace suggestions.

DR. VON LUEDINGHAUSEN: I should like to submit and ask the Court to take judicial notice of the following documents in my Document Book 4: No. 125 excerpts from a speech of the American Under Secretary of State Wells on "The Versailles Treaty and Europe", of the 7th of July, '37; Document 120, excerpt from the decree of the Peoples Commissars of Russia on the reduction of the age for military service; No. 117, a report of the Czechoslovakian Minister in the Hague of the 21st of April, '36.

BY DR. VON LUEDINGHAUSEN:

Q Mr. von Neurath, your further steps, or those of the Foreign Office, an attempt towards peaceful understanding with the other European powers, did they stop or were they continued?

A These efforts were constantly continued. The next opportunity was in our relationship with Russia. The development of this relationship up to 1933 -- since 1933, rather, has already been described in detail before the Court; but I should like to emphasize one point. My point of view on our relationship with Austria from the beginning to the end meant as follows: I wanted a close economic relationship, such as a customs union between the two countries and similar foreign policy on the basis of state treaties and close contact between the two governments, but I wanted to have the full independence of Austria guaranteed under all circumstances. For that reason, I was always an outspoken opponent of any interference in internal political affairs in Austria, and I resisted all support of the Austrian National Socialists by the German National Socialists in their fight against Dollfuss and Schuschnigg; an I was constantly urging Hitler to this effect. I sharply condemned the murder of Dollfuss from the moral as well as the political point of view. The Foreig Office, under my direction, had nothing whatever to do with this murder, as the prosecution asserted. I need not emphasize that. But that Hitler had nothir

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to do with the murder I can confirm from various statements which he made to me. The deed was carried out by Austrian National Socialists who were, in part, much more radical than the Germans. This attitude of mine is best proved by the fact that when, shortly after the murder of Dollfuss, the German Minister in Vienna, Mr. Rieth, without my knowledge, asked the Austrian governmen for free passage of several persons involved in the murder to Germany, I recalled him from Vienna and dismissed him from the Foreign Service. I, as well as a number of other ministers, was an opponent of the prohibition against Austrian travel which was imposed by Germany, but I welcomed the efforts which started in '35 and were carried out with success by von Papen and I always worked on Hitler to this effect. As for von Papen's actions in Vienna during this time, I was only imperfectly informed, since Mr. von Papen was not under me and received his orders directly from Hitler. I learned only here of a number of letters which von Papen wrote to Hitler.

DR. VON LUEDINGHAUSEN: I should like to quote two passages, one from a letter of von Neurath to the head of the political section of the Foreign Ministry of the 28th of June, '34, No. 84 in my Document Book 3, Page 227, which said in regard to conditions at that time: "The Austrian events cannot be foreseen in their development. The acute danger for us seems to me --"

THE PRESIDENT: One moment. You are going a little bit too fast. You didn't observe the light. The light came on. You are going a little bit too fast. Go on.

DR. VON LUEDINGHAUSEN: "The Austrian events cannot be foreseen in their development. The acute danger for us seems to me, however, that is to the fast acting, to have been averted. We should act with great reserve now and to this end I spoke to the Reich Chancellor yesterday. I found complete understanding."

Then I should like to quote a passage from the affidavit of the Bishop, Dr. Wurm, No. 1 in my Document Book 1, on Page 3. It says: "I remember especially his sharp condemnation of occurrences in Vienna at which Prime Minister Dollfuss

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was murdered and of the persons which were used by Hitler during the agitation in Austria."

Then, in this connection, I should like to refer to a document which Mr. Seyss-Inquart, or his defense counsel, have already submitted under No. E.S. 32, which is an interview of the Staff Chancellor, Dr. Renner, of the 3rd of April, '38. As a precaution, I have included it once more in my document book under No. 130, Document book under No. 130, Document Book 4.

BY DR. VON LUEDINGHAUSEN:

Q. Mr. von Neurath, you know that the charge is made against you that on the 11th of July, '36, a treaty was reached between Germany and Austria in the course of these negotiations by von Papen. This has been discussed her in detail. The charge is made that this treaty was concluded with traitorous intentions, that is with the purpose of lulling Austria in security and preparing its future incorporation into the Reich. Will you please comment on this point?

A. This assertion is untrue. I welcomed this treaty honestly. It corresponded to my point of view in every respect. I saw in this the best means of clearing up the unnatural differences. For that reason I cooperated as much as I could in bringing it about. The assertion of the prosecution has been disproved by the statements of the former Austrian Foreign Minister, Dr. Guido Schmidt; but to my satisfaction, the treaty had a special significance as far as foreign policy was concerned, in that this treaty, in which the Germans clearly recognized Austrian independence, the German-Austrian differences which had formed a danger to Europe were removed.

DR. VON LUEDINGHAUSEN: In this connection, from my Document Book 4, under No. 118, I have the agreement between Germany and Austria of the 11th of July, '36, and I ask the Court to take judicial notice of it.

BY DR. VON LUEDINGHAUSEN:

Q. Mr. von Neurath, aside from clearing up the Austrian question, in the years before '37, you carried on negotiations with Eastern European states. In the affidavit of the American Consul General Messersmith, which the prosecution has submitted as USA 68, PS 2385, it is asserted that the purpose

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of these negotiations was to have these southern states approce the destruction and splitting of Czechoslovakia which Germany intended and even active participation in it, and that for this purpose, in the course of these negotiations, you even promised these states, or had these states promised, that they would receive parts of Czechoslovakia and even Austrian territory as reqard. Will you please comment on this?

A. This assertion of Mr. Messersmith is from beginning to end a pure invention, and figment of the imagination. There is not one true word in it. I can only call this affidavit phantasy. It is not even true that, as he says, Mr. Messersmith was a close friend of mine. I met Mr. Messersmith a few times at large meetings but I avoided discussing politics with him because I knew that in his reports and other statements he repeated talks which he had had with diplomats and interpreted them in a way which did not always correspond to the truth. This affidavit, significantly, does not contain accurate indications of the sourses from which he obtained his information.

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My negotiations with the Southeastern States as well as my personal trips to their capitals, in reality had only the one purpose of strengthening the existing economic relationships, and thus promoting mutual trade and exchange of goods, and in addition, to gain information about the political conditions, which are always difficult to understand.

DR. VON LUEDINGHAUSEN: In my Document Book No.2, under No. 30, page 87, I have a short excerpt from another affidavit of Mr. Messersmith, on the 29th of August 1945. The Prosecution has already submitted it as USA-750, PS-2386, in another connection. I should like to quote one passage from this excerpt. It is on page 87 of my Document Book 2, and reads:

"During the years 1933-1934, the German Foreign Office was maintained by the Nazi Government for the most part with the old line conservative officials in charge. This situation continued generally throughout the period during which Baron von Neurath was Foreign Minister. However, after vonRibbentrop became Chief of the Foreign Office, the situation with regard to the policy officials was gradually changed. During vonNeurath's incumbency, the German Foreign Office had not been coordinated, and little blame for acts of German foreign policy could be attributed to von Neurath and his assistants during this period, though his continuation in office indicated his agreement with National Socialist aims, for which activities von Neurath might easily adduce in his defense reasons of patriotic motive."

Then, in regard to these trips, this policy of the defendant in the Southeast, I have the three communiques on von Neurath's visit to Belgrade, Sofia, and Budapest in June 1937, under Nos. 122, 123, and 124 in my Document Book 4. I ask the Court to take judicial notice of them.

BY DR. VON LUEDINGHAUSEN:

Q Mr. von Neurath, from your speech of the 29th of August 1937, which you made at the demonstration of foreign Germans in Stuttgart, the charge is made that in this speech you made statements of aggressive intentions. The following statement was ostensibly made by you in this speech:

"The unity of national will created by National Socialism has made possible a foreign policy by which the terms of the Versailles Dictate are

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exploded, military freedom is regained, and sovereignty is restored throughout the state. We are again masters in our own house, and we have created the means to remain so in the future. By our foreign political actions we have taken nothing from anyone. From the words and deeds of Hitler we can see that he has no aggressive desires."

DR. VON LUEDINGHAUSEN: I should like to point out that these sentences can be understood only in context. I should like to ask the permission of the Court to read the text briefly. This excerpt from the speech is submitted by me in Document Book 4, No. 126. I quote:

"We have become masters in our own house. We have created the means to remain so."

THE PRESIDENT: You have just read that. You have read it once.

DR. VON LUEDINGHAUSEN: Yes. I should like to read the sentence which was omitted.

THE PRESIDENT: You may read anything which is relevant and which was omitted, of course.

DR. VON LUEDINGHAUSEN: The quotation that I am submitting reads:

"But this attitude of the new German Reich is in reality the strongest bulwark for safeguarding peace and will always prove itself as such in a world in turmoil, just because we have recognized the danger of certain destructive tendencies as they continually assert themselves in Europe. We are not looking for differences between other people, but are trying to find connecting links. We are not thinking of political isolation. We want political cooperation between governments, a cooperation which, if it is to be successful, cannot be based on theoretical ideas of collectivity, but on living reality, and which must devote itself to the concrete tasks of the present. With satisfaction we can state that in pursuing such a realistic peace policy, we are working hand in hand with our friend Italy. This justifies the hope that we may also reach a friendly understanding with other nations regarding important questions of foreign policy."

THE PRESIDENT: I think this is a convenient time to break off.

(A recess was taken.)

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BY DR. VON LUEDINGHAUSEN:

Q Mr. von Neurath, just before the recess I had confronted you with a quotation from a speech dated 29 August, 1937 and I had asked you at that time whether you wished to make a statement concerning this at the time.

A I should think that this statement shows exactly the opposite of that which the Prosecution is trying to show. It is almost impossible to show my peaceful character and intentions in a more convincing way than I did in this speech.

Q The Prosecution says further, as a proof for their statement that the policy that you conducted, and that it could be summarized and they accuse you of the following sentences in a speech before the academy for German Law when you said, and I quote:

"From the realization of the fundamental facts the Reich Cabinet always tried to be in favor of those things so that each concrete international problem be handled with those methods which are appropriate and not to assimilate it unnecessarily with other problems and thus complicate matters in that way and as long as the problem exists only between two powers the way for an immediate understanding between these two powers is to be chosen. We are in a position to determine and to see that this method has proved itself to be a good one, not only in the German interests but also in the General interests."

Will you please comment on that accusation which is leveled against you?

A This quotation is, first of all, torn completely from its context. The entire speech contained the number of reasons out of which I considered the conclusion of bilateral agreements were possible in preference to so-called collective agreements and from this tendency and in this way this part which was quoted is to be understood. Therefore, I should ask that you please quote the passage in its entire context.

DR. VON LUEDINGHAUSEN: In this speech Mr. von Neurath, referring to the League of Nations and international law, which he delivered on 30 October, 1937 before the Academy for German Law -- that will be found under number 128 of my document book volume 4--I would, with the permission of the Tribunal, like to quote this passage in its entirety, a passage from which we shall see that the accusation made by the Prosecution and the passage selected by the Prosecution does not have the sense which is credited to it by the Prosecution. It says here:

"I am convinced that the same or similar concerns will also arise in other case, where a schematic structure, as is an absolute mutual system of assitance will be intended for a more or less larger group of states. Such projects, even in the most favorable cases, namely, when intended to be an equal guarantee by all participants, will only remain as a piece of paper --".

THE PRESIDENT. Is it not sufficient to refer to the document? The defendant has just said that the speech contained the reasons why he considered bilateral possible rather than general agreements. He said that. The document appears to confirm that. Could you not refer to the document without reading the words?

DR. VON LUEDINGHAUSEN: I did so because it was torn from its context and I believed that I would be permitted to quote the context as well. However, if the High Tribunal wish to read the matter itself I shall dispense with quoting it

THE PRESI DENT: It does not seem to me to add to it. It is just the words which the defendant has quoted the substance of.

DR. VON LUEDINGHAUSEN: I omitted one sentence as I thought it was superfluouse. But from the context it may be seen, and may be seen from the entire speech, what the defendant intended to convey. If the High Tribunal prefers to read the entire speech as I have submitted it, then, of course, I shall be satisfied.

BY DR. VON LUEDINGHAUSEN:

Q Mr. von Neurath, under number L-150, U.S. 65, the Prosecution have submitted a note of the then American Ambassador in Paris, Bullitt, regarding a discussion he had with you in May of 1936 and the Prosecution concludes on page 8 of the English trial brief that as foreign minister you participated in the planning of aggressive war against Austria and Czechoslovakia.

Will you please comment on this document, which you know, and also define your position regarding this accusation which is leveled against you.

A The occupation of the Rhineland had created unrest amongst public opinion and the signatory powers of the Treaty of Versailles. This applied especially to France and Czechoslovakia. Therefore it was to be taken for granted in

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conducting a reasonable German foreign policy that this unrest had to be given a chance to die down so as to convince the world that Germany was not pursuing aggressive plans in that direction but was only a restoration of her full sovereignty in our own region. The erection of fortifications was to serve only the purpose of decreasing the temptation of our neighbors who were armed to the teeth from marching into German territory, which was lying there unprotected. Despite negotiations and all efforts, it had not been possible to make them observe the disarmament clause in the Treaty of Versaille.

As I have already testified, especially France and Czechoslovakia, instead of disarming continued to arm and through the conclusion of agreements with Soviet Russia increased the military superiority.

In my discussion with Mr. Bullitt I wanted to mention all these facts and I hoped through making military attacks more difficult France and Czechoslovakia would change their policy, which was hostile to Germany. I tried to create a better understanding with both these countries with special reference to the maintenance of peace. These, my hopes and my views, can be seen especially in the last part of the report -- a report which Mr. Bullitt agreed to and endorsed.

As to that remark about English policy on page 2, paragraph 2 of this report, at that time England was trying to bring about a rapprochement between Germany and Italy in order to prevent further conversations because of the tension which had arisen because of Abyssinia.

The Foreign Office thought this could be prevented by giving assurances that resistance against the Anschluss between Germany and Austria was to be recognized. This resistance was shared completely by Mussolini at that time. The realization of this intention on the part of England, which was rather transparent, was one of the motives for the conclusion of the German-Austrian treaty of 11/7/36. The statement which I had hoped for on the part of the British, in November 1937 on the occasion of the visit of Lord Halifax to Berlin, came about. Lord Halifax at that time told me and I took care to remember this statement verbatim and I quote in English:

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"People in England would never understand why they should go to war only because two German countries wish to unite."

At the same time, of course, the Foreign Office, in a directive to the English ambassador at Vienna, and the wording of which I knew, promised complete support and asked for resistance toward the Anschluss.

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From the Bullitt notes, we can also see that I said that Hitler's greatest wish was an actual and true understanding with France. Apart from that, and as he stated, right from the beginning, I also told Mr. Bullitt that the German government would do everything in order to prevent an uprising on the part of the National Socialists in Austria.

DR. VON LUEDINGHAUSEN: These notes set down by Mr. Bullitt are included as Number 15 in my document book, page 60. That has been submitted by me, and I should like the High Tribunal to refer to page 60, especially the last paragraph, and to take special notice of it, so that I can save time by not quoting it. This is document book Number 1, Neurath document 15, page 60, last paragraph.

BY DR. VON LUEDINGHAUSEN:

Q What was your own personal attitude and opinion about the policy that was to be pursued by Germany with reference to Czechoslovakia?

A The Czech policy as directed toward us was always characterized by a strong suspicion toward us. This distrust resulted partly from the geographic location of the country, between Germany and Austria, and in part from the diversities of nationality which were found within the country. These national oppositions were very resentful, and the country's being drawn into a military and friendship agreement with the Russians and the French did not contribute to the creation of a closer relationship between Germany and Czechoslovakia.

As Reich Foreign Minister, I tried to improve the political situation and worked to that end. I also tried to extend our economic connections. In this connection, I did not consider as possibilities military occupation or violent means in this case, any more than I did in other cases.

Q What was your attitude to the Sudetenland German question?

A In this case, I have to be a little more explicit. The Germans were present in the Sudetenland and in the peace

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negotiations in the year 1919 when these German were given over to the Chech state, autonomy was promised to them, on the model of the Swiss Confederation. Mr. Lloyd George in the House of Commons corroborated this statement in 1940. The Sudeten German delegation at that time, as well as Austria, had demanded anschluss with the Reich.

The promise of autonomy was not kept by the Czech government. Instead of autonomy, there was a deliberate policy of Czech-ification. The Germans were refused the use of their own German language in the courts, as well as before administrative authorities, and so forth, and they were prohibited from using their own language under threat of punishment.

THE PRESIDENT: Dr. Luedinghausen, can not the defendant go on to the time with which we have to dela, namely, 1938, and tell us what his policy was then, without telling us all these facts beforehand about 1919?

DR. VON LUEDINGHAUSEN: Very well. I just wanted to bring out certain foundations to show that his later policy was correct. However, if the High Tribunal believes that this is well known, I shall shall satisfy myself with the testimony which has already been given.

BY DR. VON LUEDINGHAUSEN:

Q Mr. von Neurath, what was your official and personal relationship to Hitler during your time as Foreign Minister?

A From the personal point of view, I had no close connection with Hitler of any kind. I did not belong to his close circle either.

In the beginning, I had frequent discussions with him concerning foreign political matters, and on the whole, he was quite approachable as far as the arguments by me were concerned. However, in the course of time, these relationships changed to such an extent that other organizations, especially the Party, concerned themselves with foreign policy, and these organizations approached and had access to Hitler with their plans and their ideas. This applied especially to the so-called Bureau Ribben-

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trop. Ribbentrop turned more and more into a personal adviser of Hitler when it came to foreign political matters, and he gained more and more influence. Frequently it was difficult to dissuade Hitler from proposals which had been submitted to him through those channels.

German foreign policy in that way entered into two channels, in certain aspects. The Foreign Office, not only in Berlin, but also through its representatives abroad, later met difficulty after difficulty. These difficulties were caused by the methods of work and the sources of information of this bureau of Ribbentrop. I personally was always opposed to any influence which the Party and the Party organs tried to exert on foreign policy. Specifically, I was opposed to his officials being drawn into foreign political matters. I tried to oppose these things, especially if they were not out of my control, and for that reason I tried to resign several times. In each case, I succeeded in having Hitler for a certain period of time dispense with the influence which Ribbentrop had exerted on him in this direction.

DR. VON LUEDINGHAUSEN: In this connection, I should like to submit and have the High Tribunal take official notice of an extract from an article in the American newspaper " Time", dated 10 April 1933, number 9 of my document book Number 1, page 44. I should also like to refer--

THE PRESIDENT: The Tribunal does not think that mere newspaper reports or comments are in the nature of evidence.

DR. VON LUEDINGHAUSEN: In addition, I should like to submit, or rather, I have submitted in my document book Number 1, under Number 17, an extract from the well known book of the former British Ambassador at Berlin, Henderson, " Failure of a Mission ", and to take official notice of it so I shall not have to read it, paying especial attention to paragraph 2, page 69.

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THE PRESIDENT: The Tribunal rules that this document -- the article from Time -- may be admitted, but it is not necessary to refer to it.

DR. VON LUEDINGHAUSEN: Thank you. This is document number 9, Mr. President.

THE PRESIDENT: Yes, I know it is document number 9. I say it may be admitted.

DR. VON LUEDINGHAUSEN: Thank you very much.

Finally, I should like to submit and call the attention of the High Tribunal to document number 16, which is an attempt to resign by the defendant von Neurath, to Hitler, dated 27 July 1936, because of the intended appointment of Mr. von Ribbentrop as State Secretary. That was the occasion for his resignation request. It is probably just as well if I do not read this document, but I should like to call the attention of the High Tribunal not only to the contents, but also to the manner of speech, to the greeting, and to the conclusion. The beginning states only "Esteemed Reich Chancellor", and the conclusion states, "Ihr Ergebener", "Yours respectfully".

I am doing this since the prosecution has made many accusations that figures of speech were used in addressing letters to Hitler which exceeded ordinary courtesy. Any such figures of speech were never used by Mr. von Neurath.

I call your attention further to document 14, which is found in my document book number 1. That is also an attempt at resignation, dated the 25th of October, 1935. I am asking the High Tribunal to take judicial notice of this document as well.

BY DR. VON LUEDINGHAUSEN:

Q Mr. von Neurath, aside from your official policy, weren't their other agencies which independently undertook action; signed treaties, for instance? In other words, they carried through things in which you did not participate; is that right?

A Yes. That was the case, for instance, when the so-called Berlin-Rome-Tokyo policy was under consideration. Hitler pursued this plan stubbornly, and, of course, Ribbentrop supported him in this. I had rejected this policy, since I considered it detrimental and partially fantastic as well, and I refused my collaboration in the handling of this matter. Ribbentrop, therefore, in his

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capacity as Ambassador for a special purpose, carried on these negotiations independently, and, on Hitler's instructions, concluded the so-called Anti-Comintern Pact. This pact, therefore, carried the signature of Ribbentrop rather than my own, even though I was still Foreign Minister at that time, and, as a matter of course, I would have had to sign treaties.

Q Now we shallturn to a change in policy.

Mr. von Neurath, when did you realize that Hitler's foreign political alliance, above all to bring about parity or German equality, exceeded peaceful means and that the conduct of war and the use of violence was to be part of the means to be considered?

A That was the case for the first time when I heard the speech of Hitler to the commanders-in-chief of the Wehrmacht on the 5th of November, 1937, a speech which has been mentioned here frequently, and a speech at which I was present. The notes regarding the contents of this speech, as we have seen from the Hoszbach minutes which were made five days later -- and from a speech which lasted two or three hours -- the notes were made from memory and set down in that way.

In that long speech of his, and in the plan set forth by Hitler, there were no concrete contents, and various possibilities were envisaged. However, it was quite obvious to me that the whole tendency and all the plans were of an aggressive nature. This speech of Hitler's upset me very, very much, because the whole policy which I had pursued -- the policy of using only peaceful means -- and the entire channel of our foreign policy had had the props knocked out from under it. It was a matter of course that I could not assume responsibility for a policy of that nature.

DR. VON LUEDINGHAUSEN: In connection with this I should like to refer to the affidavit of Baroness Ritter, which I have already mentioned, which is number 3 in document book number 1. From this affidavit I should like to quote a paragraph under figure 17 of my document book, a paragraph which seems so significant to me that I should like to ask the High Tribunal to grant me permission to quote this entire paragraph. I quote:

"When Mr. von Neurath had to recognize for the first time, from Hitler's statements on 5 November 1937, that the latter wanted to achieve his

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political aims by using force toward the neighboring states, this shook him so severely mentally that he suffered several heart attacks.

"He discussed this with us in detail on the occasion of his visit on New Year's day in 1938, and we found him to be suffering very much physically and spiritually. He was, above all, very shaken by the fact that Hitler in the meantime had refused to receive him, and he could not see any possibility under these circumstances of drawing the latter from his plans, plans which he condemned to the utmost. 'It is horrible to play the part or Cassandra', he often said. He categorically declared that he could not participate in this policy under any circumstances, and that he would draw the immediate consequences from this. He did not falter from this decision either when Hitler declared to him, on 2 February 1938, on the occasion of his 65th birthday, that he could not do without him as Foreign Minister. He discussed this with us the same evening during a telephone call of congratulations on the occasion of his birthday."

BY DR. VON LUEDINGHAUSEN:

Q What were the consequences that you drew from this realization which you gained from this speech?

A About two days after this speech, I went to Colonel General von Fritsch, who had also been present on the occasion of this speech; and together with him and the chief of the German staff, Bock, I discussed what perhaps we could do in order to change over Hitler. We agreed that, first of all, Colonel General von Fritsch, who in the days following was scheduled to report to Hitler during the next few days, was to explain the military reasons to him, which were in contradiction to this policy. Then I wanted to explain the political reasons to him.

Unfortunately Hitler left for Obersalzburg soon thereafter, and could not receive, or did not wish to receive me. Unfortunately I could not see Hitler. Then on the 14th or 15th of January, I could not speak with him until nighttime. On that occasion I tried to show him that his policy would lead to a world war, and that I would have no part of it.

Many of his plans could be carried out in a peaceful way; however, it would take a little longer that way. Then he told me that he did not have time any longer. I called his attention to the risk of a war and to the serious admonitions which the generals had given to him. I reminded him ofhis speech to the Reichstag in 1933 in which he himself had declared every new war to be utter nonsense, and so forth.

Despite all of my arguments, he maintained his position. I told him that he would just have to find another foreign minister, and that I would not be one of the people who would be co-guilty in this policy. Then Hitler refused to accept my request for a resignation. However, I remain ed steadfast, and on the 4th of February he gave me my resignation.

Q Did you have the impression, Mr. von Neurath, that Hitler reluctantly decided to grant your resignation, or that with your request for a resignation you went ahead of his own wishes a little?

A I believe the latter applies. For some time I believed Hitler must have had the wish --

THE PRESIDENT: That is not evidence. You cannot say what you think another man thought.

BY DR. VON LUEDINGHAUSEN:

Q Then, immediately after your resignation as foreign minister, you were made president of thenewly instituted and secret cabinet council What did that appointment mean?

A As th.

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A As the witness Goering has already stated here, the establishment of a secret cabinet council took place only for the purpose of having changes in foreign policy and changes on the military side covered up. Further witnesses' testimony has established and confirmed that fact that the secret cabinet council was never called together.

I might add that in actual practice, it would not have had any means of working, for since my resignation on the 4th of February I was cut off from receiving any foreign political messages.

Q Now, after your resignation as foreign minister, you kept your title as Reich minister. But actually, were you a member of the Reich cabinet or not?

A No. Apart from the fact that according to my knowledge the Reich cabinet did not function at all any longer, for there were no longer any sessions of the Reich cabinet, the title "Reich minister" was just a title of form, which was in no way connected with any activity, and with which no department was connected. In contrast to the members of the Reich government, I did not receive any laws which I had to sign.

Q The prosecution states that in March of 1939, during the absence of von Ribbentrop, you represented him as foreign minister; and they gather this from an entry in the diary of Colonel General Jodl, which said that Neurath in the meantime is taking over the foreign office. Will you please comment on this?

A After my resignation on the 5th of February, I had broken off all associations with my former colleagues, and I had retired completely. However, I still remained in Berlin. On the 11th of March, 1938, late in the afternoon, suddenly Hitler rang me up in my flat and asked me to come and see him.

In the anteroom I met, besides Mr. von Papen, von Brachitsch and a number of other high officials and officers in close companionship with Hitler. Goering was in the room with Hitler when I arrived. Hitler told me that the Anschluss with Austria was a fact, and that German troops in the night of the 11th and 12th would cross the border. When I objected and asked whether that had to be, Hitler told me the reason why he did not wish to wait any longer. He asked me what was to be done by the Foreign Office as a matter

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of routine, since the foreign minister was absent in London at the time. I told him that as a matter of form we would receive protests which, of course, would have to be answered. And apart from that, on our part, a report was to be given to the various powers, and this report was a purely formal treatment of the situation. I also told him immediately to recall the foreign minister from London.

Goering, however, contradicted me on this. Finally Hitler asked me to tell the State Secretary or the Foreign Office what he just told me, so that the Foreign Office would be au courant and would know what was going on.

On the 12th of March, in the morning, I transmitted the instructions which Hitler had given; and complete with the events as they had taken place, I told these things to the State Secretary, who was the official representative of Ribbentrop.

Goering was designated to be his representative during the time the Foreign Minister was absent. When on the 12th of March, I personally told them about a letter which had been addressed to me and had come from the British ambassador protesting on the part of Britain against the occupation of Austria. I told him that the foreign office would submit a note of reply.

When the draft of this note had been drawn up, I told Goering of this fact and told him about the contents of the note over the telephone. Goering as a deputy of Hitler asked me to sign the reply in his stead, since the letter of the British ambassador had been addressed to me. This is something which Goering has stated as a witness here in this courtroom; hence the phrase in this letter which says "in the name of the Reich Government."

Then I repeatedly asked Goering to have Ribbentrop recalled from London and to advise him of the state of affairs. From the telephone conversation which has already been mentioned here, between Goering and Ribbentrop, it can be seen that Goering did this. I found out the explanation of why the British note was sent to me here through the testimony of Goering. I have learned that he himself on the evening of the 11th had told the British ambassador that he, Goering, was representing Hitler during his absence, and that he was his deputy, and that Hitler had asked me to assist him on matters of foreign political advice.

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This entry in the diary of Jodl which I am learning about here, and which, in a very remarkable way, was made on the 10th of March, when I did not make any appearance, perhaps may be traced back to the fact that someone saw me on the 11th of March in the Reich chancellory. In any event, I took part in no other activities as the deputy of Ribbentrop.

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Q And the letter from the Foreign Office with the heading of the Foreign Office, did you use that paper?

A The fact that I used stationery with the heading "President of the Secret Cabinet Council", stationery which was found in an adjoining room, shows that this rather fictitious institution actually existed and shows as well that I did not represent the Foreign Office or the Foreign Minister, otherwise I would have used their stationery.

Q This note of the British Ambassador, on the 12th of March, was answered by you in a note which you have just described. The prosecution is accusing you of the fact that the reasons given by you in this letter and the picture of events in Austria and the event which preceded the marching into Austria are not correct; since, I assume, that the High Tribunal is cognizant of the passages with which the accused is charged, I do not feel that I need to quote these passages for Mr. Ribbentrop and you know these passages as well and I should like to have your opinion.

A These accusations that the contents of this reply is partially incorrect is quite true and justified but the reason fir it was just this, that I had no other reports or information except the report given me by Hitler and these pieces of information were the basis of the contents of the note -- this information I had transmitted to the Foreign Office which, for their part, was completely ignorant of incidents and in that way the draft originated; and I should like to add that a planning of the incidents which led to a marching into Austria, which applies to my period of the Foreign Office, that there was never any talk of those plans. Hitler never had any foreign political plans at all; rather, he made decisions very suddenly and in as brief a period of time as possible, transformed decisions into action so that even his closest collaborator and co-workers had knowledge of these decisions but a few days in advance and thi expression "Anschluss" of Austria, which is used generally and commonly and which is used here, is on the whole not identical with the things that took place, which was the incorporation of Austria and this incorporation of Austria, that is the thing we are concerned with; but this incorporation of Austria into Germany, that was something which Hitler told us about in the very last moment and that is a decision which Hitler made at the very last moment, that is, when

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we were marching into Linz; and as a further piece of proof that the plan for a violent marching in had not been made in advance, that may be seen from the circumstances and from the fact that Hitler just a few days before that, had sent his Foreign Minister to London to straighten out some diplomatic matters there.

DR. VON LUEDINGHAUSEN: In this connection, I should like to refer to an excerpt from the book which we have mentioned, a book by Sir Neville Henderson, "Failure of a Mission", and this excerpt is number four in my document book, under the number 129; and may I ask that the High Tribunal kindly take judicial notice of this document.

BY DR. VON LUEDINGHAUSEN:

Q During the Austrian crisis and on the 12th of March, on the day after the marching in, you told the Czechoslovakian Ambassador in Berlin regarding the ramifications of the measures as they would apply to a relationship with Czechoslovakia. According to a report which the Czechoslovakian Ambassador in Berlin, Dr. Mastny, has given concerning this discussion, you allegedly declared that the German government did not wish to take any steps against Czechoslovakia and had no intention of that sort but rather was above all concerned with and intended to, in the future, observe the arbitration treaty which was concluded in the twenties. Will you please comment on this report, which is found under number 141 in my book, volume 5, and as you know about this matter, define your attitude.

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A It is quite correct that on the 12th of March, to Mastny I made the statement that he alleges I made in a conversation with him; only the course of the conversation was a little bit different from the way he described it. On the 12th of March, I was called by phone by von Weizsaecker who at that time was Iminsterial Director. He called me at my home, telling me that the Czechoslovakian Ambassador Mastny was with him and wanted to know whether he could see me sometime during the course of the day. I asked Mr. Mastny to come to my home during the afternoon. Mr. Mastny asked me if I believed Hitler, now, that is, immediately in connection with the Austrian Anschluss, would undertake something against Czechoslovakia as well. I replied that he could be at ease, that Hitler had just told me on the previous evening in reply to my questionand to my reference to the point that the Anschluss of Austria would create unrest in Czechoslovakia, that in reply to this, Hitler had told me that he did not think of undertaking anything against Czechoslovakia. Then Mastny further asked whether according to that, Germany would observe the agreement which was concluded in the year 1925, on whether Germany still considered herself bound by this agreement. On the basis of the answer given to me by Hitler, I, with a clear conscience, affirmed and told him that Germany did consider herself bound by this agreement. Hitler added in this connecti n that he believed that the connections with Czechoslovakia from now on would improve considerably, that the settlement of the Austrian matter, the Austrian Affair, had after all been a domestic one.

In the report of Mastny, it said that I spoke on the order of Hitler and on his instructions; that, however, is not true. I purely and simply referred to my discussion with Hitler which was fresh in my mind and the further emphasis in this report that I spoke as the President of the Secret Cabinet Council, that must be an expression of speech used by Mr. Mastny in order to give more weight to his report.

Q The prosecution seems to construe that because of a divergence between the statements thatyou made and the plans as they developed on the fifth of November, and the prosecution accuses you, that despite the realization of the plans which existed, you acted in bad faith up to a certain point in that you gave a statement to Mastny, a statement which was calming.

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A From this discussion, you could see but generally that Hitler was concerned with plans of war. In no way was there any conversation or talk about an aggressive plan against the Czechoslovakian State but we talked only of the eventuality that in case a war should break out, Czechoslovakia and Austria would have to be occupied so that our right flank would be protected and kept free. The form of the attack or that an attack of Czechoslovakia was to take place, and actual thinking there would be any conflict in the East, that was a mute and very disputed question which was not touched and for a fact, the Sudetenland which was a border region and strategically in fact a key position of the Czech defense, was settled in a peaceful manner by agreement with the Powers and was relinquished in a peaceful way but concrete war plans against Czechoslovakia, as Colonel General Jodl has testified to, were made towards the end of May 1938 and handed over to the General Staff for their handling. About the existence of these plans, I learned for the first time here and apart from that, when Hitler told me thathe would do nothing against the Czechoslovakian State, I had to rely on the fact that this was his real opinion; that the ideas that Hitler had at that time were changed by the time the 5th of November came around, and that he had given up his ideas as set forth on the 12th of March.

THE PRESIDENT: Shall we break off?

(A recess was taken until 1400 hours)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 24 June 1946.)

VON NEURATH -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. VON LUEDINGHAUSEN :

Q Mr. von Neurath, there was a talk on the 28th of May 1938, at which Hitler, Ribbentrop, Goering, the commanders in Chief of the Wehmacht, were present and at which it is asserted, in the affidavit of Mr. Wiedemann, that you were also present.

A I can not remember any such talk nor the statement of Hitler which was mentioned by Wiedemann. Keitel, Ribbentrop, Goering and Raeder knew nothing of this talk. Perhaps it is a mistake or a confusion with the talk mentioned by Schmundt of the 28th of April, 1938, but I was not present at this talk either. I was not in Berlin at all.

Q After your resignation, you had withdrawn completely to private life. In the Sudeten crisis in the fall of 1938, did you take an active part and advocate a peaceful policy ?

A Yes, After my dismissal in February, 1938, I lived on my estate. On about the 26th of September I received a telephone call from one of my former ministerial colleagues that Hitler had instructed the Wehrmacht to be ready to march by the 28th of September. Apparently he wanted to solve the Sudeten question by force. I was to come to Berlin immediately and attempt to dissuade Hitler from his intention. In the night I went to Berlin. After my arrival I inquired at the Foreign Office about the situation and reported to Hitler. I was turned away. But on the 28th I went to the Reich Chancellery. I met Hitler's entourage ready to march. I inquired after Hitler and the answer was given that he would receive no one. Nevertheless, I went to the door and entered Hitler's room. When he saw me he asked, in a harsh voice, "What do you want ?" I answered that I wanted to point out the consequences of this intended step. I explained to him that he would bring on a European war, probably a world war, while negotiations were still in progress on the Sudeten problem, by marching into Czechoslovakia, that Czechoslovakia would doubtless resist and it would not be an easy struggle; that France and England and Poland would go to war, and that it would be a crime on his part to shed so much blood unless all possibilities of peaceful settlement had been exhausted. I knew

that Mr. Chamberlain was willing to come to Germany once more and that he would also be willing to have the Czechs turn over the Sudeten land if that could prevent war.

THE PRESIDENT : How did you know that Mr. Chamberlain would be willing to come ?

THE WITNESS : By the fact that I had met the English Ambassador on the Street.

THE PRESIDENT : Go on.

THE WITNESS : Hitler was not interested in this conference. During our talk Goering had appeared and he supported me in my efforts to persuade Hitler to a conference. Finally Hitler agreed, if I could bring Chamberlain, Daladier, and Mussolini to Berlin by the next day. As that was impossible for Mussolini, I suggested Munich as the place for negotiations. I established contact with the English and French ambassadors, who were both on their way to see Hitler. Hitler himself telephoned directly to Mussolini. By six o'clock the promises and answers had been received.

DR. VON LUEDINGHAUSEN : I should like to ask the Court to take judicial notice of my document No. 20 in Document Book No. 1, Page 72-b, an excerpt from the book of Ambassador Henderson, "Failure of a Mission".

BY DR. VON LUEDINGHAUSEN :

Q Did you personally take part in the Munich conference which then took place ?

A Yes. In view of Hitler's attitude, I was concerned about the course of the conference. Therefore, I told him that I considered it expedient if I could go to Munich too, since I knew the foreign representatives personally and for that reason could serve as mediator. When he agreed, Goering invited me to go in his special train. In the course of the long session I repeatedly talked to the three persons and to Hitler and tried to mediate differences which arose.

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Mr. Chamberlain, at the end of this talk, asked me to arrange a talk with the Fuehrer alone, without Ribbentrop, on the next day, since he would like to make a suggestion. The Fuehrer did not want this at first, but finally I persuaded him. At this talk, an agreement was reached between England and Germany, which France later joined. Chamberlain, who was living at the same hotel as I, showed me this agreement with great joy after the talk, and I also was glad to see it. I hoped that English-German relationships which had suffered in the Godesberg and Berchtesgaden meetings might be brough back to normalcy and the way would be opened for further conferences.

As in the summer of '37, Chamberlain invited me to visit England. I immediately told him that I did not believe that Hitler, who had forbidden me to go to England in the summer of '37, would now give his approval, especially since I was no longer Foreign Minister. In January 1938 the English ambassador repeated the invitation, but I had to tell him that I had no opportunity to obtain Hitler's approval.

DR. VON LUEDINGHAUSEN: Mr. President, I should like to submit Document 21 in my document book. It is a letter of the French Ambassador Francois Poncet, of the 18th of October 1938, a few weeks after the Munich conference. I should like to quote only two sentences from it.

"But of us, it is not I who have contracted the greater debt of gratitude. I have always found with you, even at the most delicate moments, the most courteous, the most indulgent and the most confident reception. You made a difficult task easy for me. I shall never forget what I owe you."

Mr. President, at this point I should like to submit a letter of the French Ambassador Poncet which was received only a few days ago, which I mentioned at the beginning of my case. I asked that the French Ambassador be called as a witness, and in answer a letter of the ambassador of the 7th of June was sent to the French Prosecution, a copy of which I received through the

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General Secretary's office at the end of last week -- I believe Thursday or Friday.

In spite of the fact that this letter is not in the prescribed form of an affidavit but is a private letter, I would ask that you honor it as if it were in the form of an affidavit. The original of this letter is in the possession of the French Prosecution and the French Prosecution has promised me that the original will be submitted to the court on the request of the court. I submit the certified copy.

THE PRESIDENT: The original document should be presented to the court now, or as soon as it conveniently can be.

DR. VON LUEDINGHAUSEN: The day before yesterday I talked to a member of the French Prosecution and he said they did not have it at the moment. I don't know where they have it. Therefore, I ask that it be submitted; otherwise I would already have submitted it.

THE PRESIDENT: Very well, but it must be submitted as soon as possible.

DR. VON LUEDINGHAUSEN: Yes.

THE PRESIDENT: You wish to offer it in evidence, do you?

DR. VON LUEDINGHAUSEN: Yes; 162.

THE PRESIDENT: There is no objection, I take it.

SIR DAVID MAXWELL FYFE: No objection, my Lord.

DR. VON LUEDINGHAUSEN: This letter reads -- if I may quote one brief passage --

THE PRESIDENT: You gave it a number, did you?

DR. VON LUEDINGHAUSEN: No. 162.

THE PRESIDENT: Very well. Go on.

DR. VON LUEDINGHAUSEN: "He" -- that is Mr. von Neurath-- "made efforts to facilitate the task of foreign diplomats in the German capital. They, like myself, were grateful to him. I do not doubt that he often turned Hitler's mind to the dangers he was exposing Germany to by the excesses of his regime, and that he made him listen to the voice of prudence and moderation."

H0164-0041

Now I come to another subject. I should like to present the following:

BY DR. VON LUEDINGHAUSEN:

Q The documents presented by the Prosecution show that during your period in office as Reich Foreign Minister, a representative of the Foreign Office took part in sessions of the Reich Defense Counsel, and by the Reich Defense Law of 1938, you, as President of the Secret Cabinet, were a member of this Reich Defense Counsel.

Will you comment on this.

A Neither asReich Foreign Minister nor as President of the Secret Cabinet, did I have anything to do with matters of the Reich Defense Counsel. I never took part in any session or talk. It has been stated here that all ministers from the time of Koch in 1933 had so-called Reich Defense experts who were to deal with certain questions resulting from possible motilization in case of a defensive war.

As Dr. Schacht has already testified, the Reich Defense Counsel of 1935 wasnothing but legalization of a committee which had existed before 1933.

Q In the existence of such a committee or counsel for Reich Defense, did you see signs of preparation for a war of aggression?

A In no way. The designation indicates that it was preparations for the defense of the Reich against attack, and not preparationsfor attack. Moreover, I know that in France as well as in England such arrangements had existed for a long time.

DR. VON LUEDINGHAUSEN: Mr. President, I should like to submit Document 78 which is on page 213 of my Document Book 3. It is an excerpt from a statement of the French War Minister Petain of the 6th of June 1934, before the Army Commission of the French Chamber, which mentions the necessity of a defense counsel or committee.

THE PRESIDENT: Wait a minute. The Tribunal doesn't

H0164-0042

think that any evidence that other countries had other organizations is really relevant to this case.

BY DR. VON LUEDINGHAUSEN:

Q The Prosecution asserts that Hitler awarded you more honors than some of the Nazi leaders themselves, and concludes that you were especially close to Hitler. Will you please comment on this.

A That is a rather remarkable assumption. It was clear that as the oldest minister who had served the state for over 40 years, Hitler could not avoid giving me honors and honorary titles, but they were limited to what is customary for the incumbents of high state positions.

Q I should like to name the individual awards on which a charge is made against you. You held the Order of the German Eagle, the War Merit Cross First Class.

A Yes. The Order of the German Eagle was founded in 1937 and was to be warded only to foreigners.

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It would have had no great value abroad but would have been considered more a type of special order, such as the colonial order if no German had held it. For that reason in my capacity as Foreign Minister, immediately when the order was founded, Hitler gave me the Grand Cross of the order.

THE PRESIDENT: Dr. von Luedinghausen, is it not sufficient for the defendant to have said that it was usual to give these titles? It is not necessary for us to investigate the particular merits of the particular order, is it? It seems to me to be very remote.

DR. VON LUEDING HAUSEN: Mr. President, I mentioned it only because the Prosecution brought it out especially.

BY DR. VON LUEDINGHAUSEN:

Q The further charge is made that on the 30th of January, 1937, in that well-known cabinet, you received the Golden Party insignia from Hitler and thus became a member of the Nazi Party. What about that?

A As to the way in which this was awarded, Mr.Schacht as well as Raeder have testified here. I was not a member of any party. Between 1933 and 1937 I had several times been requested to join the party but had refused. My attitude toward the Party was generally known. For that reason I was repeatedly attacked. As to the reason this insignia was awarded in 1937 to various members of the cabinet and to the generals who were not allowed to become members of the Party, I believe that has been described in enough detail and that I need not go into it again.

Q Then surprisingly, Hitler made you an honorary Obergruppenfuehrer of the SS.

A Yes, that was a complete surprise to me. In September 1937 Mussolini had announced his visit to Germany. In the last days before this visit I was not in Berlin. When I returned in the morning I found my tailor at the entrance of my house with the uniform of an SS Gruppenfuehrer. I asked him what that meant. He told me the Reichschancellor had instructed him to make me a uniform immediately. I went to see Hitler and asked him why he had done this. He said he wanted all the men who were to be present at the reception of Mussolini to be in uniform. I told him that was not very agreeable to me and I had to explain in no case would I be subordinate to Himmler and did not want to have anything to do with the SS. Hitler assured

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me solemnly that this would not asked of me, that I would have no obligation to the SS and this actually did not happen.

I had no power to issue orders and my later appointment as Obergruppenfuehrer was apparently done in the course of general promotions without any special emphasis.

Q Did you wear this uniform at all?

A Only twice as far as I can recall; at the reception of Mussolini and then when in 1938 I went to Ankara to the funeral of Kemal Pasha. In Prague, at official occasions, I always wore the diplomatic uniform without any insignia.

Q On your 70th birthday, on the 2nd of February, 1943, you received congratulations and other expressions of the honoring of your person and your activities from various sources. You were

H0164 - 0045

congratulated, amongst others, by Hitler and you received a check for 250,000 marks. Will you please tell us what was the significance of this gift?

A. The Prosecution recently mentioned this gift

A. The Prosecution recently mentioned this gift. They forgot to say that I refused it.

The events were as follows. On the day of my 70th birthday, in the morning, a deputy of Hitler called on me and brought me a congratulatory letter from Hitler and an oil painting by a young German painter, showing an Italian landscape. The letter enclosed a check for 250,000 marks. I was painfully embarrassed. I immediately told the envoy I considered the gift an insult. I am not a lackey whom one dismisses with a tip and told him he should take the check back with him. He said he was not authorized to do so.

The next morning I went to the Reich Finance Minister to give him the check for the Reich treasury. He said that he believed the check was on a special account of Hitler's and he could not accept it. At his advice I turned the check over to the Reich Credit Association for a special account and informed the competent finance office in writing. I never touched one penny of this sum.

The painting, the value of which was not especially great, I did not refuse because it was within the limits of a normal birthday gift and sending it back would have been considered an insult.

DR. VON LUEDINGHAUSEN: Mr. President, I ask permission to submit two letters of the Reich Credit Association in this connection which I received on Saturday, upon my inquiry, from the Reich Credit Association. They contain confirmation that this sum of 250,000 marks in its full extent, plus the interest which has accumulated, is still today in a special account of the Reich Credit Association. This is proof that Mr. von Neurath did not, in fact, touch a penny of this sum.

THE PRESIDENT: Will you give us the number of it?

DR. VON LUEDINGHAUSEN: 160 and 161.

Mr. President, in my haste I have only been able to have the English translation made. The French and Russian translation will be prepared in the

H0164 – 0046

next few days. I received it myself only Saturday afternoon.

BY DR. VON LUEDINGHAUSEN:

Q. The further charge is made against you that in the conservative circles of Germany you were considered as a sort of member of the fifth column to induce them to agree to the National Socialist regime and the fact of your remaining in the N.S.D.A.P. was considered as an example.

A. This statement is nonsense because it was known throughout Germany and abroad that I was no National Socialist and that I opposed National Socialist excesses against the church and the Jews and that I opposed a policy which endangered peace. This was clearly shown when I was dismissed in February 1938. The general consternation was not expressed in the German press because there was no press available.

It is completely nonsense that these conservative circles coul. have assumed that I was with all my heart behind the Nazis, as the Indictment says. Other countries knew this just as well and saw in me an obstacle to Nazi policy. That I was not a blind follower of Nazi theories the foreign diplomats in Berlin knew best as they could observe my constant struggle against the Party.

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DR. VON LUEDINGHAUSEN: I should like to submit in this connection an excerpt from a magazine, Number 127, and an excerpt from an article, with the speech which the dean of the Berlin diplomatic corps made in the name of the whole diplomatic corps to Mr. von Neurath on his birthday on 2 February 1938. Both documents are contained in my document book Number 4, Number 127, and in Document Book Number 1, Number 18.

I have finished the part dealing with foreign politics, and the personal points in the charge against Mr. von Neurath. Now I come to the second aspect of the charge, his activity as Reich Protector for Bohemia and Moravia.

BY DR. LUEDINGHAUSEN:

Q After the Sudeten crisis, you had retured completely from political life; is that true?

A Yes. I was in Berlin very seldom. For the most part I was in the mountains.

Q In September 1939 were you in Berlin, and did you have any knowledge of Hitler's plans for an invasion of Czechoslovakia?

A You mean the winter?

Q In the late winter, yes.

A No, I had kept aloof.

THE PRESIDENT: September 1939?

DR. VON LUEDINGHAUSEN: That was my mistake. I meant in the winter.

THE PRESIDENT: of 1938, you mean?

DR. ON LUEDINGHAUSEN: I n the late winter of 1938-1939--February or March 1939.

THE WITNESS: The differences between us and Czechoslovakia on the treatment of the Sudeten Germans by the Czechs had been solved by the separation of the Sudetenland. The way to friendly cooperation seemed open to me. One of the focal points of danger for the peace of Europe had been cleared up.

BY DR. VON LUEDINGHAUSEN:

Q Then there came the famous dispute between Hitler and

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the President of Czechoslovakia in the night of 14-15 March 1939 in Berlin. This talk has already been discussed here. I do not believe I need to go into it in much detail, but you know of it. I should like to ask you, Did you know of these events as described, particularly as given in PS-2798?

A No, I did not know of them. I learned of them only much later. I only learned here of the notes of Mr. Hewel, but after I learned of these events, I disapproved strongly, and I would not have taken office as Reich Protector if I had known of these things at the time. I was completely surprised by the events in March 1939. I did not receive foreign political information. I was dependent upon the radio and the newspapers. The possibility of attack on Czechoslovakia in 1938 I considered to have been eliminated after the Munich agreement.

As for Hacha's visit to Berlin, I learned, like every other German, by radio and newspapers the next morning. The official statement of the taking over of protection of Czechoslovakia seemed not improbable after Slovakia had become independent, and after I learned that the Czech Foreign Minister, in the course of the winter 1938-1939 in Berlin, had said that the previous policy would be completely changed and that the union would be sought with Germany.

I was concerned about how the signatory powers of Munich would react to this development, which was in contravention of the agreement which had been reached in Munich. My first question to Hitler when I went to Vienna at his request was whether England and France had been informed beforehand and had given their approval. When he said No, that that was quite unnecessary and that the Czech government had asked us to take over the protection, I immediately realized how dangerous the situation was and said so to Hitler.

At the time I still believed that it had been a free discussion of the Czech government. Hitler's request that I take the post of Reich Protector was a complete surprise to me, and

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I had misgivings against taking the office, which I expressed to Hitler. I realized that an invasion of Czechoslovakia would antagonize the signatory powers of the Munich Agreement, even if Hacha had asked fro protection voluntarily, and it was clear to me that any intensification of the situation through the bad attitude of the Czechs would bring about an immediate danger of war. The permission of England and France had to be awaited.

I explained this to Hitler, too. Hitler's answer was that that was precisely the reason why he was asking me to take over the post--to show that he was not carrying on a policy hostile to Czechoslovakia. I was known abroad as a moderate man, and he would give me the most extensive powers to oppose all excesses, especially by the Sudeten German element.

I still hesitated. I said that I did not know conditions in Czechoslovakia and that I was not an administrator. Hitler said that I should try it, that it could be changed at any time and that he would give me two experienced men who know the conditions.

The police and the SS were not under my orders. This, in effect, made it impossible for me to prevent the rule by force of Himmler and his organ. This I did not know at the time, but I must point out that great responsibility for further developments lies with the other powers, especially the signatory powers of Munich. Instead of making paper protests, I had expected that they would at least recall their ambassadors. Then, perhaps, the tension might have been increased for the moment, but the German people would have realized how serious the situation was, and Hitler would have avoided taking further aggressive steps.

H0164-0050

Q. The charge is made that you took this office so that my misuse of your humane and diplomatic reputation the impression could be given to the world that the Czechs were to be treated moderately, while the contrary was to be the case. Will you comment briefly on this point?

A. That is absolutely wrong. Hitler said that I was to attempt to reconcile the Czechs with the new conditions. Because of the years of nationality struggles, and through measures of suppression, I was to keep the hate-filled German population from excesses.

Q. What assurances did Hitler give you with regard to your office?

A/ He assured me that my activity in balancing national confidence, by winning over the Czechs by a conciliatory and moderate policy, would be supported at all times. In particular, he would protect my administration from all attacks by political radicals, particularly from the SS and police and Sudeten Germans. I had pointed out this danger particularly.

Q. Were you convinced at that time that, in making these assurances of humane treatment for the Czechs, Hitler was serious and honest?

A. Yes, I definitely had that impression.

Q. Then you believed that the assurances he gave you would be kept?

A. Yes.

Q. At that time did you not have any plan or intention for forcible Germanization of Czechoslovakia?

A. No, that was completely unknown to me. I would have considered that nonsense; I would not have believed that anyone could have such an idea.

Q. Do you still believe that Hitler's assurances and express intentions at that time were meant honestly, and that they were only made illusory through further developments?

A. Yes, they were certainly meant honestly at that time.

DR. VON LUEDINGHAUSEN: I should like to refer to a document in my document book 5, under number 142, which is an excerpt from Henderson's "Falure of a Mission". I should like to ask the Court to take judicial notice of that.

BY DR. VON LEUDINGHAUSEN:

Q. From that time at the conclusion of the Ferman-Slovakian Treaty of March 1939 on the independence of Slovakia, a charge is made against you. Did

you have anything to do with drawing up this treaty or with declaring Slovakia autonomous?

A. No. I learned of the autonomy declaration of Slovakia, and of all these events, only after they had been made public.

Q. What were the principles of your program for your administration in Prague?

A. It was quite clear to me that reconciliation of the Czech people with the newly created conditions could be brought about only gradually, by sparing the national feeling as far as possible, and without radical measures. Under more favorable circumstances that would have taken several generations. I attempted a gradual coordination, and weakening of previous hostile policies.

DR. VON LUEDINGHAUSEN: In this connection I should like to refer to document 143, in my document book 5. This is a reproduction of an article which Mr. von Neurath wrote about the end of his administration in Prague, in the European Review, at the end of March 1939. I ask the Court to take judicial notice of this. It shows quite clearly with what intentions and with what tendencies Mr. von Neurath took up his office at that time.

BY DR. VON LUEDINGHAUSEN:

Q. What were the conditions which you found when you took over your office in April? That is, conditions in Prague?

A. The Czechs were generally disillusioned by the conduct of their former allies in the fall of 1938. To a large extent they seemed ready to be loyal and to cooperate. However, the influence of anti-Czech and Sudeten German circles, supported by Himmler and the SS, was considerable. This influence was personified especially in the Sudeten leader Karl Hermann Frank, who had been appointed as my State Secretary at Himmler's instigation. I had the greatest difficulty with him from the very beginning, because he represented a completely contrary policy toward the Czechs.

The office of the Reich Protector was still being built up. The head of the Administration was an experienced administration official under Secretary of State von Burgsdorff, who was examined here. Under him were the various departments, which were built up directly by the Berlin Ministries.

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In the provincial administration German Oberlandraete were appointed as supervisory officers, each for several Czech districts. They were appointed by the Reich Ministry of the Interior.

Q. To whom was the police subordinate?

A. The police was completely independent of my office. It was directly under the Reichsfuehrer SS and Chief of German Police; that is to say, Himmler. Himmler appointed my own Secretary of State Frank as Higher SS and Police Chief, who thus had a double position. Under Frank was the Commander of the Security Police. All police measures were ordered by Frank or directly by Himmler and the Reich Security Main Office, without my approval, without my even having been informed previously. From this fact resulted most of the difficulties with which I had to struggle in Prague.

Q. The discussion of the position of the police is in a Czechoslovakian report under the number USSR-60, which was submitted by the prosecution. This presents things in a somewhat different light. Do you support the description which you have just given?

A. Yes, absolutely.

Q. You were informed of police measures only afterwards, but not beforehand? You were not asked for your approval beforehand?

A. That is true, and I was informed afterwards only sporadically. I frequently learned only from the Czech Government, or through private persons of incidents which I had not been informed about by the police even afterwards; I had to inquire of Frank.

DR. VON MEDINGHAUSEN: Mr. President, I refer to the decree of the 1st of September, 1939, which I submit as number 149 in my document book 5, and I should like to point out the following.

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This order is divided into two completely separate sections: Part I is the building up of the administration of the Reich Protector; and Part II, completely separate, is the establishment of the German Security Police under the Reichsfuehrer SS and Chief of German Police.

This outer form of the order, the separation of the two branches, if I may express it in that way, proves that the police and the policepower were only under Himmler or under the Berlin authorities. This alone expresses the fact that the Reich Protector could exert no influence on them.

This is the great tragedy of Mr. von Neurath's activities as Reich Protector. Matters are charged against him for which he cannot take the responsibility, and did not take the responsibility.

BY DR. VON LUEDINGHAUSEN:

Q The prosecution refers particularly to paragraph 13 in this order, which mentions the administrative measures according to which the Reichs Protector in Bohemia and Moravia, as well as the Reichsfuehrer SS and Chief of the German Police, in agreement with the Reichs Protector, can take the necessary administrative measures for the maintenance of security and public order in the Protectorate, and it states that they may take these measures, even outside of the limits determined upon.

What does this mean?

A I do not know what this order means by "administrative measures." It seems to me to be a very general order, presumably referring to the issuing of general prescriptions. At least, as long as I was in Prague, neither I nor the Reichsfuehrer SS made any use of this power. Arrests were all made, without informing me previously, on the basis of paragraph 11 of the order. The police in the protectorate were not in any way subordinate to me.

Q Did Hitler not assure you, in Vienna, that you were to have full executive powers in the protectorate, and that would include the police?

A No; I have already mentioned that.

Q Did you attempt to change this circumstance and to receive charge of the police, or at least influence on the police, from Hitler?

A I repeatedly applied to Hitler in connection with the recurring excesses of the police/ He told me repeatedly that he would investigste these circumstances, but nothing was changed. From his influence on the police throughout the Reich, Himmler considered the police his own domain; he was too powerful.

Q The Czechoslovakian report on which the indictment is based states the possibility for subordination of the Gestapo to the Reich Protectorate Office; that is, up to September, 1941. On the basis of the statements which you have just made, do you assume such responsibility to any extent ?

A No. I have to deny it. I have explained what the circumstances were, that I had no influence whatever.

DR. VON LUEDINGHAUSEN : I should like to quote two or three sentences in this connection from Document 153 in my document book 5, which consist of minutes from the examination of former State Secretary Frank by the Czechoslovakian delegation on the 30th of May, 1945. These minutes from Frank's testimony say :

"Neither the Reich Protectorate nor I myself am responsible for the police. The highest responsibilities lie with Heinrich Himmler as chief of the German police. The Gestapo received its instructions directly from Berlin, either from Hitler himself or from the Reich Security Office".

BY DR. VON LUEDINGHAUSEN :

Q By your presence in Prague, could you actually do anything in practice to prevent the worst measures either by the police or the Gestapo, or to minimize their effect afterwards ? Will you please describe how you acted and how Frank attempted to act in these matters ?

A President Hacha of the Czech government and private persons were constantly visiting me. My office was for the most part busy working on these cases. I had every request presented to me personally, and in all cases in which intervention was at all justified, I had Frank or the commander of the Security Police report. I worked on them in favor of releasing the arrested persons. There was a struggle between Frank and the police which was often successful.

In the course of time, many hundreds of persons who had been arrested were released at my instigation. In addition, many sentences were lightened in regard to personal transportation, property, food, and so forth.

Q When you took office, did you not see to it that the relatives and families of the ministers and members of the foreign office who had gone abroad were not arrested ?

A Yes, that is right. Frank has ordered the arrest of the members of the families of these two ministers Necas and Feierabend. When I learned about it,

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I had it stopped.

DR. VON LUEDINGHAUSEN : Mr. President, may I make a suggestion to break off now, because this section is finished.

(A recess was taken.)

BY DR. VON LUEDINGHAUSEN :

Q Now, first of all I should like to refer to some police measures for which you have been held responsible to a greater or lesser degree by the prosecution. In the summer of 1939, were there many arrests of the members of the families by Czechoslovakian police ?

A No; the activity of the police in the summer of 1939 was very small, and I hoped that it would be possible to restrict increasingly these police measures more and more.

DR. VON LUEDINGHAUSEN : The Czechoslovakian prosecution, under USSR 60 in Supplement 1, is submitting a proclamation which you gave out in August, 1938, as Reich Protectorate; that is, just prior to the outbreak of the war. This is a proclamation which was to serve a warning to the people of the Protectorate, to intimidate them, and to keep them from sabotage.

BY DR, VON LUEDINGHAUSEN :

Q I shall have this proclamation submitted to you at this point, and I should like to have you comment on it.

DR. VON LUEDINGHAUSEN : This appendix is attached to the document USSR 60 Exhibit 1. I have just had the proclamation given to the defendant. It reads as follows : -- With the permission of the High Tribunal, I should like to read the most important part :

"Each act of sabotage against the interests of the Greater German Reich, against German administration in the Protectorate, and against the German Wehrmacht will be prosecuted most harshly and will be punished most severely. By "Sabotage" as described in the line under Paragraph 1, all disturbances are meant : disturbances of the public and economic life, specifically the damaging of necessary installations such as railroads, telephones, and so forth, lines of communication, water works, electrical works, gas works, and factories, as well as the hoarding of consumer goods, and the spreading of rumors by word or in writing.

"The population must follow and observe all the directives of the organs

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of the Reich working in the Protectorate such as have been published or such as will be published in the future. Refusal to obey or acting against these measures or against any organ of the Reich will be considered as sabotage and punished accordingly.

"Responsibility for all acts of sabotage will be placed not on the person who is committing the act, but rather on the entire Czechoslovakian population. I expect that under all conditions the Czchoslovakian population, through a loyal, peaceful, and quiet demeanor, will prove themselves worthy of the autonomy which the Fuehrer has guaranteed to the countries of Bohemia and Moravia."

BY DR. VON LUEDINGHAUSEN :

Q Will you please comment on this ?

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H0164-0057

A. I cannot quite picture just under what view the directives, just how this proclamation can be used as the basis of an accusation. At this time, the period of the most political tension, it was to be feared that radical elements would exploit the situation in order to commit acts of sabotage, acts of sabotage which would damage public services. In my opinion, in no State, at a period of time like this, would conditions have been tolerated without severe punishment resulting. Through this warning, in the way of a proclamation, we wanted to try to prevent all incentive for committing of acts of sabotage and as far as I recall, this warning actually worked out this way and was effective this way, and in fact, there were no acts of sabotage that actually took place and the threat of special punishment, of course, is not contained in this warning at all but, on the other hand, this proclamation refers to measures, punishing measures, which already existed.

Q. Shortly after the publication of this proclamation, the war broke out. What was your attitude toward this war?

A. I considered this war the greatest piece of stupidity, for on the basis of my knowledge of British psychology and politics, I was convinced in the main that England would keep her promise to Poland, and I believe that therewith the war against England and France would be started. The United States, with its tremendous production potential and capacity, would stand behind these powers; and lastly, all the statements made by President Roosevelt before the beginning of the war, left no doubt on my part that the United States would come in with the other powers, and the rather lighthearted beginning of this war, because of my ethical convictions and ideology, I repudiated and was against it.

Q. For what reasons did you remain in your office instead of laying down your office?

A. I said to myself, I told myself that during the war, on the one hand, the Czechs would try--if not to throw off German rule, but as far as the regulations of the German Wehrmacht as

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they were in the Prtectorates--that the Czechs would try to disturbe this activity of the Wehrmacht by sabotage and similar acts and that, on the other hand, through this, on the side of Germany, on the part of Germany, the severest measures would be taken against the population and in this way, the police would be motivated--above all, the Gestapo--to take a hand and proceed with the utmost severity. Through my remaining in office, I tried to prevent both of these reasons so that a more strict treatment, as far as the Czech population was concerned, should be avoided on the basis of the policy of conciliation and coordination which I followed and practiced. To lay down my office at a moment like that, that would have been desertion but, on the other hand, I believed that a war which concerned itself with the existence of the German people--but my part as a German, a German which I was with great and burning love--that I could not refuse to put my services at the disposal of my country for, after all, we were not concerned with Hitler and the Nazi regime was not a state, but the existence of a people for the state.

Q. Therefore, with you remaining in office, you did not thereby give your approval to this war, which was brought about by Hitler?

A. Never, for it was an accomplished fact, to which I contributed absolutely nothing, and my attitude and my judgement about the insane war, I told Hitler as well. I told him very unequivocally; but I would have considered myself a traitor to the German and Czech people if I had used the task which was very very serious, and which I had undertaken to the welfare of both people, if I had left this task in the lurch in the critical moment, and, as long as it was important for me to help even in a restricted measure, I believe I could justify my remaining. I do not believe that any decent person would have acted differently if he had been in my shoes, for, above all, up and beyond personal wishes, you will find your duty and obligation to your own people.

Q. On the day of the outbreak of the war, in the Protectorate as well as everywhere in the Reich, so-called preventive

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measures were taken in the form of numerous arrests and there were arrests in the number of more than a thousand, especially representatives of the intelligentsia were arrested in so far as they were considered politically unreliable. Were you advised or informed of these arrests in advance, as it should have been done according to the proclamation of the 1st of September 1939?

A. No, not even afterwards, was I told. I learned of these arrests through President Hacha.

Q. What did you have done then?

A. First of all, I had Frank come to me and objected to him. He said that he wasn't advised and hadn't been informed either, and he said that this was quite a general police preventive measure.

Q. From Berlin?

A. Yes, which had been instigated by Himmler direct.

Q. Did you now try to have the people who had been arrested, and who had been taken into the Reich, to have them liberated?

A. Yes. Constantly I tried with Frank, with Himmler and Heydrich to have these people released.

Q. And what was the result, did you have any success in your efforts to have these people released?

A. Hundreds of these people who had been arrested, whose names I tried to get under great difficulty from the Czechs and it was a rather tedious job, for the German police refused to give me these names. Hundreds of these people were in the course of time released.

Q. On the 20th of October 1939, in Prague, public demonstrations occurred for the first time and it was on the occasion of the Czech Independence Day. On this occasion, some of the people who were demonstrating, and some policemen were either hurt or killed, for the police took rather strong measures against the people demonstrating. Regarding these police measures before, during and after this demonstration, did you have prior knowledge of these police measures and did you endorse them?

A. At that time I was not in Prague, and only on the 29th of October, did Frank tell me over the telephone about the unrest

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which was taking place and the more intimate details I did not learn until I returned on the 30th or 31st. I accused Frank that, through his personal interference, on the street and through the use of the SS, that he had intensified the tumult instead of restoring order by means of the Czech police.

Q. Frank sent a report dealing with these matters of unrest to Berlin. Then he was interrogated through the Czech delegation on the 5th of May 1945, and from a report which he mentioned to his interrogators, an excerpt from the minutes of this interrogation will be found in my document book No.5 under No.152. This document hasbeen submitted by me and I should like to quote just a few sentences from this report: "This was the first occurrence where the population demonstrated publicly, and that these slogans that were mentioned in the preceeding paragraphs were heard in the open. This matter was therefore taken seriously and I personally reported to Berlin about all incidents. I should like to say that I was an eye-witness to this demonstration, and that I had the opinion that this matter was a dangerous one. The report which I sent to Berlin in this report, in this report I stated specifically that these were the first demonstrations, and that, therefore, special importance and weight was to be attached to them since they took place in the open street. I asked for the directive which I received immediately from the Fuehrer's Headquarters. These directives were sent from Berlin direct to the Sicherheitspolizei, "to the security Police and I received knowledge of their contents. The entire actions was carried through by the police directive". Did you have knowledge of this report of Frank's, and the measures which are mentioned therein; did you have any knowledge of this report before it was sent off and afterwards?

A No. This report was unknown to me up until my time here in Nurnberg; but Frank always reported to Berlin direct. Apart from that, I was never of the opinion that this demonstration which was carried on by young people should be considered especially important or significant or that special police measures were called for in this case.

Q At the funeral on November the 15th of one of the students, who was killed on the 28th of October there were more demonstrations in Prague, in the course of which numerous students were shot, others were arrested and the universities were closed. What do you know about this incident?

A This student, Publital, who was injured in this fracas, had died of his wounds, and the police, in order to prevent new demonstrations, had prohibited the participation of students at the funeral, which was to take place on the 15th of November. Despite this, masses of people collected, and when the police attempted to disperse the crowds, renewed demonstrations and shootings resulted. When this was reported to Hitler by Frank, Hitler was greatly enraged and called me. Frank, and General Fredericki for a conference to be held in Berlin. Before this conference, Hitler had asked the former Czech ambassador, Chvalkovsky, to be present also. Hitler was in a rage. I tried to calm him and quiet him down, but despite that he accused the Czech ambassador repeatedly and gave him instructions to tell the Czech government that in case anything like this were to be repeated he would take the most severe measures against the people who were disturbing the peace and, furthermore, that he would hold the entire Czech government responsible. The language used by Hitler was quite uncontrolled and the treatment which he accorded this man was quite embarrassing to us who were listening. After the Czech ambassador had left, we stayed with Hitler for a few minutes longer. He asked me how long I would remain in Berlin. I told him one to two days. Then we remained for dinner, on which occasion we did not speak about these incidents any more. Hitler asked State Secretary Frank to come back later. The shooting of the leaders of the demonstration, the taking of students to concentration camps, those were matters that Hitler did not touch upon with even one word; neither did he mention the closing of the universities. Toward evening I asked about the pilot of my airplane in order to give him instructions. I was told at the airport that together with Frank, he had flown back to Prague in my airplane. The following day I returned to Prague by train.

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When I arrived in Prague, I learned that Hitler had decreed the closing of all Czech universities for three years, the arrest of perhaps twelve hundred students and their being taken to a concentration camp, as well as the shooting of the leaders of the demonstration. All of these things had been decreed by Hitler; but at the same time a proclamation, which was signed with my name, was put before mein which these directions were published, measures which had been publicised in the Press and had been posted publicly. I had Frank summoned immediately and I accused him of these unheard of things which had taken place without my approval and my knowlede. He referred to a specific decree of Hitler's. I hadn't even seen this proclamation. My name had been affixed to it quite illegally by Frank. Even as my deputy, he was not justified in doing any of this; but later, through an official in my office, I learned that Frank repeatedly misused my name in this way. If I had had any advance knowledge of these decrees of Hitler -- and Hitler, of course, had the opportunity to reach me by telphone in Berlin during my sojourn there -- naturally, I would have objected to these decrees and at that time would have asked for my resignation. Immediately I tried to have these students released. I tried with Hitler personally and I tried to have them released by going to Himmler. Gradually most of them were released, I believe more than eight hundred in all, and the last of their number were released in the summer of 1941. Shortly after this incident, when I was again present in Berlin, I complained bitterly to Hitler about his demeanor towards me. He evaded an answer, so far as I recall. However, he, promised me that the students would be released very soon and he promised that the Czech universities would be reopened after one year. Both promises were not kept by him.

Q I shoudl like to have you refer to the interrogatory of the Legation Councillor von Hollenben, dated 18 May 1946, who at that time participated in the Protectorate government. Please refer to Figure 21.

DR. VON LUEDINGHAUSEN: This interrogatory may be found under No.158 in my Document Book No. 5. The answer of Mr. von Hollenben reads as follows. "The Student riots of October and November, 1939, have been a turning point in the history of the Protectorate. I can not give you a chronological repetition of the events by memory. However, I can state the following: The manifestations which took place on the 28th of October, 1939, on the occasion of the 20th

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anniversary of the constitution of the Czechoslovak state in Prague and Bruenn mainly by the academic youth, could be foreseen. Therefore, Mr. von Neurath, on the 28th of October, 1939, issued the order quietly to ignore them as far as possible and only to interfere when they assumed the character of a serious danger to public quiet and safety. Because of the disobedience of this order, the whole of this misery has arisen. Immediately after the conference with Hitler, Frank returned to Prague. Regarding the measures taken against the students, the office of the Reich Protectorate, who himself was still in Berli had only received knowledge on the following morning, partly through the applications which the members of the families of the arrested students made in the office of Mr. von Neurath.

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"In my opinion, Mr. von Neurath did not learn of these sanctions against students until after they had taken place. I personally, however, did not report on this matter to him, and I cannot tell you just who did report to von Neurath on this matter.

"The proclamation in question, addressed to the Czech people, was given out without the knowledge of Mr. von Neurath, and this is my determined conviction, that it was issued under false pretenses by the use of his name. I remember distinctly that because of this matter he would have heated arguments and conflicts with Frank. At that time he remained in office for he believed that by remaining he could prevent much more disaster. He considered the closing of the universities an irresponsible step of intervention into the lif of the Czech people. He tried, with all the means at his disposal to have the Czech university teachers and students who had been taken into german concentration camps liberated subsequently, and until such liberation, to have them segregated."

In this connection, I should also like to submit to the Tribunal an affadavit which I just received a few days ago from the female secretary of Mr. von Neurath at that time, Miss Irene Friedrich. This is dated the 6th of June 1946. I should like to submit this affidavit fromwhich we can see quite clear that at the time the proclamation was issued and published, Mr. von Neurath had not returned from Berlin, and therefore that it was quite impossible for Mr. von Neurath to have had knowledge of this proclamation.

I should like to ask the Tribunal to take judicial notice of this affadav

I should also like to refer --

THE PRESIDENT (Interposing): What is the number of the affidavit?

DR. VON LUEDINGHAUSEN: No. 159, Mr. President.

I should like to refer further to a document, a memorandum, Appendix 5 of the 26th of March 1946. This deals with the discussion which he had with President Hacha regarding the arrests of students. It is a document in which w can see that Mr. von Neurath tried and kept on trying to have these students released.

THE PRESIDENT: Did you give us the number for that? You said Document Book 5.

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DR. VON LUEDINGHAUSEN: No, that is attached to the Czech report, USSR-6[illegible] and is not found in my document book. I just referred to that, Your Honor.

BY DR. VON LUEDINGHAUSEN:

Q. Aside from these two actions which were decreed by Hitler personally, did other arrests take place on a rather large scale during the time of your office?

A. No, but single instances of arrest did take place. I tried to investigate and perhaps rescind these measures at the suggestion of the Czech Government and private people.

DR. VON LUEDINGHAUSEN: Now I should like to read a few sentences from the document of theCzech Prosecution, USSR-60, to be found on page 59 of the English text. I quote:

"Representatives of the Turn Society Suckold, which had one million members immediately after a movement for the liberation of the country, put thier services at the disposal of the resistance movement at home and abroad. The idea of Suckold was to give the members abroad strength and enthusiasm even in the hardest times. This was true at home to even a larger extent.

"The Gestapo knew of this danger full well, and therefore proceeded with the utmost severity. In the beginning, their measures were moderate, but since they ealized the firm resolve of this group, they began to use force. The first arrests took place on the day of the occupation of Czechoslovakia, and a further large number of arrests on the 1st of November 1939. Then, extensive arrests of single individuals and of organizations followed."

BY DR. VON LUEDINGHAUSEN:

Q. Will you please comment on this.

A. Suckold was the most dangerous organization hostile to the State found in the Protectorate. The magnitude and the extent of their activity can be seen from this document of the Czech Prosecution which has just been mentioned. It was taken for granted that machinations of this kind could not be tolerated, especially in war, and the report itself characterizes the first police measures as still moderate.

I am convinced that in no other country would any such underground

movement have been treated any differently. In cases of this kind, high treason or cases of sabotage, I could not quite agree with the people who had committed these acts, and the Czech Government quite agreed with my stand.

Q. The Czech report further mentions shootings under martial law. During your period of office, did these actually take place?

A. No, as far as shootings under martial law in my period of office are concerned, apart from the case of the nine students which we have already dealt with, I know of no others.

Q. Did Frank, aside from his activity as Higher Police and SS Fuehrer, when he became State Secretary try to use his influence in the administrative work of the Protectorate, and did you in that way work closely with him?

A. Frank represented German interests in a radical and unequivocal way, and had an old Sudeten-German hate of the Czechs. I tried to avoid these tendencies and weaken them, but he was a part of the general policy and the administration.

Q. What was your personal relationship to Frank?

A. From the beginning, it was very, very poor, just because of the fact that he was so radical, and beyond that, I quite soon realized and observed that on very many occasions he did not tell me the truth.

Q. What was your personal and official relationship to President Hacha and to the Czech Government?

A. In general, good. The Czech Government at that time was quite convinced of the fact that my intentions were quite sincere, my intentions dealing with the fair treatment of the Czech population, and that I did everything within my power to realize my intentions and make them into fact.

On the other hand, I fully realized the intentions on the part of the Czech Government directed towards the interests of the people, and I approved of them.

As to my personal relationship to President Hacha, I might go so far as to say it was a very good one. I always tried to facilitate Mr. Hacha's difficult task as far as I could, and to make things easy for him for I realized that he,

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too, through his assumption of the post of president and through his remaining in office, was making a great personal sacrifice. He and the members of the government were always invited to all festivities which did not have a perfectly German character, and were decorated in accordance with their work.

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Q What was the manner of work of your office, your authority in Prague? Were you quite independent in your work or were you and your authority bound to directives from Berlin?

A My answer in this respect is a rather tedious and boring one. The fundamentals of policy and the administration of the department, these matters were set down in Berlin applying to the protectorate as well. That means that the policy was laid down by Hitler himself or by the department ministers. My field was the supervision of the carrying out of instructions and the application of these principles as they applied to the protectorate, always considering the special circumstances that obtained, resulting from the ethical, cultural and economic structure of the country. It can be taken for granted that above all in a war that the protectorate which was situated in the center of the Reich could not be treated as an independent unit but rather that the protectorate had to be incorporated into the general pattern.

As I have already stated, the special branches of my authority had been set up by the central office in Berlin. The officials of my branches, therefore, from the beginning, had a certain subjectivety to their home authorities, even though they were subordinate to me and the various managers of the branches received their directives direct from Berlin, directives that applied to various problems and these directivesoriginated with the department or ministry in Berlin. Then these directives were submitted to the Under State Secretary von Burgsdorff, who was the head of the administration, or if they were very fundamental matters they were submitted directly to me, reported to me directly. The carrying out of these measures in the protectorate was in that way discussed and after discussion or conferences with the Czech ministers there was a vote taken. Thereupon and as a result of this, the decrees which were signed by me or by my deputy came about in that way.

Frequently we were concerned with the introduction of measures which alread existed in the Reich or relations dealing with the economy which were newly issued in the Reich, apart from that a series of directives applying to the protectorate were issued directly by the competent Berlin ministries. The Reich Minister of the Interior had been set up as the central agency for the issuing of these decrees and directives.

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DR. VON LUEDINGHAUSEN: Mr. President, in this connection I should like to refer to the following, to be found in document book 5; documents number 145, a decree emanating from the Fuehrer and Reichschancellor, dealing with the protectorate of Bohemia and Moravia, dated the 22nd of March, 1939; number 146, extracts from basic regulations applying to the protectorate dealing with commercial dealings with the protectorate dated 28 March, 1939 and number 147, a directive as to the carrying through of justice in the protectorate, dated 14 April, 1939 -- 146, a directive dealing with law and justice in the protectorate under date of 7 June, 1939 and I again should like to refer to the document which has already been submitted, number 147, a regulations dealing with the development of and administration of German Security Police.

In this connection I should like to remark that all these directives did not originate in the Reich protectorate but rather from the competent Reich ministries and in part also emanated from Reichsmarshal Goering as the chairman of the Reich Defense Council and Goering signed these directives and as to the legal basis applying to the protectorate, the decree emanated from the Fuehrer and Reichchancellor dealt with the protectorate of Bohemia and Moravia, dated 16 March, 1939, signed by Hitler.

THE PRESIDENT: Will you ask the defendant to clear up what his concern was with these decrees of the Reichsfuehrer and of the defendant Goering.

DR. VON LUEDINGHAUSEN: No, Mr. President, I wanted to show that he had nothing to do with these matters but, however, that he was charged with the carrying through of these measures in itself and by itself after these matters were decreed. He had the obligation and the duty to see to it that these measures which were given out by agencies in the Reich and that was the thing I wanted to prove, that all these directives did not originate with him himself but rather with others.

THE WITNESS: I should like to add that I was chiefly concerned with the fact that these matters were published in the protectorate and then that my organs and agencies supervised the carrying through of these measures.

BY DR. VON LUEDINGHAUSEN:

Q How far did the autonomy of the protectorate work in with these measures?

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A The extent of autonomy was not clearly limited. Basically the protectorate was autonomous and it was administered by Czech authorities and Czech officials. But in the course of time essential restrictions were placed on this state of autonomy. They were set down in the decree which you have just read. The introduction of these restrictions could be traced back to the Reich Government and resulted, in part, from general tendencies toward centralization in Berlin and to a large extent was brought about through the general political development and was necessary because of the war and of the so-called total carrying on of the war. These restrictions were necessary. I constantly and always objected to these restrictions if in my opinion they could not be brought into accord with needs and requirements of the people.

DR. VON LUEDINGHAUSEN: Mr. President, in this connection I should like to refer to article 3 of the decree, given out by the Fuehrer and Reichschancellor, dealing with the protectorate of Bohemia and Moravia, number 144 of my document book number 5. This reads:

"The protectorate of Bohemia and Moravia is autonomous and administer itself. The rights of sovereignty which accrue to it on the basis of its stat of autonomy are carried out on the basis of military and economic affairs. The rights of sovereignty are upheld to their own organs and to their own authorities and officials."

BY DR. VON LUEDINGHAUSEN:

Q How about the Wehrmacht officers in the protectorate? Were you concerned with them, connected with them?

A No, they were subordinate to a special plenipotentiary of the Wehrmac who kept me advised about the basic military questions [illegible] who was to advise me as to these military matters.

Q Now, I should like to turn to specific points which the Czech report USSR 60, sets down in detail and of which you are accused.

In how far were you competent for the execution of punishment, justice, in the protectorate? Could you treat with death sentences?

A The justice of the German courts was under my jurisdiction. The Czech courts were not under my jurisdiction. These courts were under the jurisdiction of the Justice Minister in Berlin. Decisions about pardons

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concerning the German courts, those were matters which concerned me and requests for pardons which were submitted to me, these, in special cases, of course, might apply to Czechs. However, these matters did not concern themselves with political misdemeanors; political proceedings against Czechs were, as far as I recall, handled by the peoples' courts (Volksgericht) in Berlin. Insofar as we were concerned with high treason and as far as I know, in the proceedings against Czechs the same basic principles were applied as against Germans.

H0164-0072

Q Did you have the rig to pardon when the People's Court gave decisions against Czechs?

A No, I had no possibility of influence, and I did not have the right to pardon.

Q In your time did you know anything about the special courts in the Protectorate.

A No, I cannot recall that during the time I was there, there were special courts which were active. In my opinion, this might apply only to courts for proceedings against certain misdemeanors and courts which were established in the beginning of the war in the Reich. However, these courts were not under my jurisdiction. Instead, they were subordinated to the Reich Minister of Justice. He appointed the judges, gave them their directions and directives, and the judges reported back to him direct. I had no opportunity of using influence in any way.

Q Regarding the activity of these special courts, I should like to quote one sentence from the Czech report, USSR 60. This may be found on page 106 of the German text and page 92 of the English text. It deals with regulations that were to be applied and used by these special courts. I quote:

"A large number of these regulations and decrees deal with principles that all civilized countries consider irrevocable."

A Yes, in this case I agree with the Czech Prosecution, but I should like to say in this case that in the latest developments, this principle has been decreased among civilized peoples. The teeth have been taken out of it.

Q Now I should like to turn to the alleged plan dealing with the Germanization of the areas in the Protectorate inhabited by Czechs. You said previously that you, when you assumed office, did not know about such plans. Who later revealed the pattern of these plans to you?

A These plans in part originated from Sudeten German circles, but in the great part they were to be traced back to the organizations of Himmler and beyond that to the suggestions on the part of the Gauleiter of the Lower Danube.

H0164-0073

Dealing with this pattern of your efforts on the alleged Germanization, I should like to quote a report by General Fredericki to the OKW , dated 15 October 194. I should like to confront you with that. This is the document which has been submitted by the Prosecution under PS-862, US Exhibit No. 313, and it is concerned with the statements about the principles of the policy pursued in the Protectorate which State Secretary Frank made in a discussion with your office. Aside from that, Frank said that the Reich Protector defined his attitudes toward various plans. He mentioned three possibilities of solution of the possible Germanization of the Czech areas. You probably know this piece of writing and I do not believe that it is necessary for me to read it. What do you know about this memorandum? Did you write it? Tell us what you have to say about it.

A This memorandum dates back to this attempt which I just mentioned on the part of various Party offices for the resettlement of the Czechs. I considered this plan quite insane and incapable of execution, and I held this view from the beginning. Frank, who agreed with me in this one point, therefore drew up at my suggestion and direction this memorandum which you have just mentioned, a memorandum in which the radical measures of the SS and of the Party were turned down and in which the so-called gradual assimilation was considered as the only possible solution of this problem.

In this way I wanted to postpone the matter and shelve it, and I wanted to hamper the plans of the SS. Since this plan of resettlement had been reported by Himmler to the Fuehrer and this had already been done, I had to have a rather stringent directive from him in order to do away with it.

For this purpose, for tactical reasons, I needed some sort of suggestion. Therefore, the proposal of the policy of assimilation, for with this suggestion the matter really had been postponed, had been shelved. In order to eliminate the counter measures of the SS and of Himmler, I reported to the Fuehrer personally, and I asked that he issue a stringent directive, which he did. Therefore this

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matter had been buried, and it was not taken up again.

This sentence found in this memorandum to the effect that the Germanization would have to be carried out for a number of years by the office of the Reich Protector means that the SS could no longer interfere in this matter. The Reich Protector alone was to be the competent authority, and the Reich Protector did nothing, and to this same effect, the same sentence applies and shows that I was not favorably inclined to radicalism -- a statement made by General Fredericki that for the Wehrmacht no special consequences would result since they had always toed the line.

If after this report Frank said that there were elements which were working contrary to the intended Germanization and that these elements would have to be handled roughly and have to be eliminated, those, of course, were the words that he used and the type of language that he used in matters of that kind, but nothing was done to further assimilate the people.

DR. VON LEUDINGHAUSEN: Mr. President, I am now asking your permission to quote the affidavit that we have mentioned which was made by Baronness Ritter, Number 3 in my document book. I ask permission to quote a few sentences from this affidavit. They are found on page 18 of the document book. It says there:

"To the plans for the Germanization and in regard to the gradual assimilation of the Czechs, Neurath stated as follows in a letter:

"'Quite aside from the sensible point of view, the people who are about to be resett led--'"

THE PRESIDENT: Page 18?

DR. VON LEUDINGHAUSEN: Page 18, yes. It is the second paragraph from the end.

THE PRESIDENT: Yes, I have it.

DR. VON LEUDINGHAUSEN: "'Quite aside from the sensible point of view, the people who are to be resettled arouse pity in one's soul. However, I believe I have discovered a way now to prevent disaster. Time won is everything won, and frequently postponing is giving up.'"

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Mr. President, if it is permissible for me to make a suggestion, I would suggest that we stop now, since the pattern of Germanization is now completed.

THE PRESIDENT: How long do you think you are going to be? You have already been a day and a half.

DR. VON LEUDINGHAUSEN: Mr. President, the accusations are not quite concrete. They are rather intangible, and these accusations as they are mentioned have to be picked up by me point by point. I have approximately 20 more questions.

THE PRESIDENT: How long do you think it will take?

DR. VON LEUDINGHAUSEN: I assume perhaps an hour.

THE PRESIDENT: Well, the Tribunal will expect you to conclude in an hour.

DR. VON LEUDINGHAUSEN: I hope so, Mr. President.

THE PRESIDENT: The Tribunal will adjourn now.

(The Tribunal adjourned until 1000 hours, 25 June 1946.)